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Taxo, or the Apocalyptic Doctrine of Vengeance

THE unique figure of Taxo,¹ described in the *Assumption of Moses*² ch. ix, deserves somewhat closer attention than it has received in current scholarship. The first and main point to be considered is Taxo's place in the apocalyptic scheme of history and metahistory in which he appears. Let us therefore keep in mind the general contents and disposition of the *Assumption of Moses*, namely that the main part of the book (chapters ii-x) is taken up by an elaboration of this scheme, viz. a description of Israel's history from the death of Moses to the end of times, in the typically apocalyptic form of a prediction by Moses himself. The history is unevenly abridged, and somewhat vague and veiled, but it is possible to identify many—or even most—events and items of historical interest. The latest event which can be identified is mentioned at the end of ch. vi, to be discussed below. There follows, at the head of ch. vii, this (unfortunately badly mutilated) statement: *Ex quo facto finientur tempora . . . horae iii venient . . .*³ The meaning is clear, at least in one point: the “times” or pre-ordained stages in the apocalyptically viewed process of history will approach their end; what follows belongs, strictly speaking, to eschatology. “Moses” then describes four stages in the eschatological process (*horae iii*): (a) the iniquities of the wicked in the last generation (ch. vii); (b) the hard punishment which that generation will suffer (ch. viii); (c) the coming of Taxo (ch. ix); (d) the final supernatural salvation, described in an enthusiastic poem (ch. x). Stages *a* and *b* are evidently “the messianic woes” or the “last time” of this *aeon*, and represent the actual writer's contemporary present or very near future.⁴ Stage *d* belongs wholly

¹ Taxo is both clearly a significant name and a notorious puzzle. The simplest and best solution seems to be that adopted by VOLZ (*Die Eschatologie der jüdischen Gemeinde im neutestamentlichen Zeitalter*, 1934, p. 201), viz. to take the word more or less literally in its Greek sense: *Taxo* or *Taxon* is the “one who shall put things in order”, a “leader” or a “lawgiver” (VOLZ has “*Ordner*”). It should be kept in mind that the Greek stem *tag-* corresponds almost exactly to the Hebrew and Aramaic root *srk*, which is both common and significant in Qumranic literature (Both have a wide range of meaning).

² In this paper Charles' edition (*The Assumption of Moses*, London 1897) has been used. The document is included in all the major collections of the Apocrypha and Pseudepigrapha.

³ Approximately three quarters of the passage are either missing or unintelligible.

⁴ To be more exact, the end of ch. vi represents the author's generation in

to the next *aeon*, the future which the writer expects to be near, and is entirely metahistorical. Stage *c*, or Taxo, comes in between, at the very end of this *aeon*; he is the immediate forerunner of the ultimate salvation, and is described thus:⁵

"Then in that day there will be a man of the tribe of Levi, whose name will be Taxo, who having seven sons will speak to them exhorting (them): 'observe, my sons, behold a second⁶ ruthless (and) unclean visitation has come upon the people, and a punishment merciless and far exceeding the first. For what nation or what region or what people of those who are impious towards the Lord, who have done many abominations, have suffered as great calamities as have befallen us? Now therefore, my sons, hear me: for observe and know that neither did (our) fathers nor their forefathers tempt God, so as to transgress His commands. And ye know that this is our strength, and thus we will do. Let us fast for the space of three days and on the fourth let us go into a cave which is in the field, and let us die rather than transgress the commands of the Lord of lords, the God of our fathers. For if we do this and die, our blood will be avenged before the Lord'."

It may be observed that Taxo does not plead for simple perseverance in the keeping of the Law in the face of persecution, and is not prepared merely to die passively for its sake. If that were all that he had to say, his attitude would not be different in any way from the steadfastness of those who were crucified for being circumcised, as mentioned in chapter viii (v. 1). Taxo is reckoned much more important, and his intentions are more far-reaching. He exhorts his sons to a series of *acts*, which he himself is evidently ready to undertake: fasting, retirement into a cave, the deliberate courting of death. It is clearly wrong to interpret his attitude as mere quietism⁷ and passive martyrdom; it is quietistic only in the sense that it does not lead to direct military action. In all other aspects, however, and especially in those significant in this context, Taxo must be understood as an active figure; his proposed deeds have the political significance of a manifesto, and, being acts on

its historical aspect; chs. vii-viii describe the same generation in its meta-historical or eschatological aspect.

⁵ The translation is by CHARLES, *op. cit.*

⁶ The first is described in ch. iii and refers to Nebuchadnezzar (CHARLES).

⁷ This seems to be the common view of the subject.

the "religious" plane, they also partake of some supernatural potency. It may also be assumed that the author expects Taxo to carry out the action which he advocates.

Since Taxo's appearance immediately precedes the final salvation, his acts must somehow be instrumental in forwarding its coming. The central problem of interpretation is: by virtue of what is Taxo's deed expected to exert such powerful influence? Fortunately, we are given a clear enough hint to the right answer at the end of Taxo's speech: "*For if we do this and die, our blood will be avenged before the Lord.*" The motif of vengeance duly reappears at the head of the description of the salvation, x, 2-3. Thus the sense of Taxo's speech, and the virtue of his deed appear to be this: God cannot allow innocent blood to be shed unavenged. Let us therefore die innocently, and we shall thus surely promote Divine vengeance and deliverance. The author of the *Assumption of Moses* expects that the vengeance provoked by Taxo to be God's final vengeance on the enemies of His people, or in other words His deliverance, the coming of the future *aeon*. Thus our document yields, when analysed, a doctrine of Divine vengeance as the decisive element in the eschatological process.⁸

Both in biblical and post-biblical eschatology, vengeance is a common enough motif.⁹ But normally vengeance is expected as the outcome of the Last Judgement, or as the realisation of eschatological hopes, not as the factor which shall bring the salvation. As far as the present writer has been able to ascertain, the *Assumption of Moses* is unique in teaching that the End will come *because* vengeance shall be finally provoked.¹⁰ We have here a special development in the broader framework of apocalyptic doctrine. Now that we understand the general trend of Taxo's argument we may attempt the explanation of several minor points

⁸ The point was made by LATTEY in the *Catholic Biblical Quarterly* iv (1942) pp. 9-21, and by HENGEL, *Die Zeloten*, 1961, p. 272. To the present writer it appears to have a greater importance than that which his predecessors seem to have realised. LATTEY and HENGEL were interested mainly in other aspects of the subject (see below, note 18).

⁹ *Deut.* xxxii: 41-43; *Is.* xxxiv: 8; lxiii: 1-6; etc.; Ethiopic *Enoch* xlvii; xlviii: 7; lxvii: 11; *Test. Levi* xviii: 1; Syriac *Baruch* xlv; lvxxii.

¹⁰ Other motifs appear occasionally in a similar function, but they should not be mistaken for vengeance as it appears in the *As. Mos.* E.g. *kapparah*, or atonement for the nation's sins by the blood of martyrs (see *Sifrey to Deut.* xxxii: 43); or Divine compassion as invoked in 2 *Mac.* vii: 5-6, (where the motif of compassion is quoted from *Deut.* xxxii: 36 in preference to vengeance, which might be also have been quoted from the same chapter).

in his speech. The fasting and going into the cave are acts of penitence, or *teshuvah*; their purpose is to ensure that those who are prepared to die shall be truly innocent of sin. Thus their death will not be a just or even over-severe punishment for their sins, but wholly undeserved, and so a sure means of provoking Divine vengeance. That is why Taxo says "*If we do this, and die etc.*". In this particular context, penitence is not seen as an effective religious act by itself, and God is not expected to save His people merely because Taxo and his sons undertake spectacular acts of penitence. As a preparation for death, however, penitence is urgently necessary, since it will ensure the "cosmic" significance of Taxo's martyrdom.

The rest of Taxo's speech has the same underlying sense of preparation for an innocent death. He makes three points: (1) This "visitation" is exceedingly ruthless; (2) we suffer more than do the impious nations; (3) our fathers did not transgress God's commands. The meaning is not merely that: our nation is undergoing an exceedingly hard chastisement which must be identical with the "messianic woes" (1-2), let us therefore keep to the way of our fathers (3). What Taxo wants to say is rather this: (1) our chastisement is excessive—we are therefore comparatively innocent; (2) the nations are more wicked than Israel, yet they were not punished—this shows again that Israel is relatively righteous;¹¹ (3) our fathers kept God's commands—therefore the present generation is not suffering for the sins of its fathers. The general tendency of these remarks is a plea of comparative innocence. Taxo's generation is evidently guilty, its punishment is not entirely undeserved. The punishment, however cannot be termed absolutely just; it is excessive, and cannot be fitted into the normal cycle of sin and retribution. Precisely because of this it is eschatologically significant—the nations punished Israel in excess of their mandate, they have spilt innocent blood, and Israel will now be avenged. In this situation martyrdom must be effective: truly innocent blood spilled in addition to the observed atrocities will surely fill the measure of undeserved suffering and in the event compel God to exercise His vengeance.

The manner of death expected by Taxo is not explicitly stated. He either contemplates suicide by starvation, continuing the three

¹¹ Cf. *Judith* viii: 16-20; *IV Ezra* iii: 28-36.

days fast indefinitely in the cave;¹² or he expects the persecutors of those who keep the commandments of the Law to find him and his sons in the cave and to slaughter them there, their resort to the cave being construed as a kind of challenge. The second explanation seems more plausible because it fits the context better (suicide is not explicitly indicated, but cruel persecution is described vividly enough in ch. viii), and because it seems to be postulated by the doctrine of vengeance—Taxo expects (explicitly so) to be avenged; he provokes his enemies to kill him thereby making sure that they will be punished.

There remains a final problem to be considered: how does Taxo's deed fit into the apocalyptic scheme of history and the apocalyptic manner of thought? Taxo's coming is predicted by "Moses"; his speech and his deed are foreseen and preordained; his martyrdom is a necessary link in the predetermined scheme of suffering and final salvation. The author of the *Assumption of Moses* leaves us in no doubt about his strongly deterministic view of history;¹³ we have thus no right to see in Taxo an entirely free agent. But on the other hand Taxo is expected to influence history (or rather metahistory) at its most decisive point; he is supposed to act on his own initiative, and even so to speak to force the hand of God. In a strict, typically apocalyptic and fully deterministic system, there ought not be any place for this kind of act. Man should await passively the development of the grand Divine scheme.¹⁴ Thus Taxo appears to be a paradox, or, at least, a kind of compromise¹⁵—a hint that the inexorable decree of God can

¹² The interpretation adopted by LATTEY, *op. cit.*

¹³ A full and detailed statement of the deterministic doctrine serves as conclusion to the extant part of *As. Mos.* (xii: 3-13).

¹⁴ This feature of apocalyptic is well known and deemed important by several writers. For a summary of views, see ROESSLER, *Gesetz und Geschichte*, 1960, pp. 55-60.

¹⁵ The eschatology of the Talmud adopted the apocalyptic doctrine of the preordained End-Time (*geq*), but also tried, often enough, to soften the inherent determinism of this concept by various types of compromise. The following *midrash* of *Is. lx: 22* is a classical formulation: "It is written in its time (*be'ittah*), and it is also written *I shall hasten it* (*ahishennah*). If they shall be worthy (*zakhu*) *I shall hasten it*, if not (the End will come only) in its time." (San. 98a). According to another formulation, "the world will exist 6000 years, 2000 years of lawlessness (*tohu*), 2000 years under the law (*torah*), 2000 years of the Days of Messiah (i.e. the Messianic kingdom, which is distinct from the absolutely eschatological World to come). But because of our sins some of them (*Sc.* of the last 2000 years) have already passed" (*ibid.* 97a-b). Thus there seems to be a preordained Time of Salvation, but Israel's behaviour can make Salvation come sooner or later, and not at its fixed date.

after all, be changed by human action.¹⁶ He is, however nothing of the kind. All deterministic systems expect man to act in accord with the will of God (or with the inevitable process of history). It is, however, necessary in such systems for human action to fit exactly into the preordained scheme. The kind of paradox presented by Taxo can be found in any deterministic system—it is exactly this kind of paradox which gives such systems the strength to influence real, historical action by men, as opposed to the merely theoretical action of our document.

It follows, then, that the author of the *Assumption of Moses* advocates martyrdom as an act which is necessary because it fits into the preordained plan of God, and because it will for that reason ensure salvation. Acts of martyrdom were in fact undertaken in the period in which the *Assumption of Moses* was written, viz. within in the broad limits of 200 B.C.E.-68 C.E.¹⁷ It thus supplies us with an explicit statement of the doctrine which might have served as a practical ideology for those who did in fact submit to undertake martyrdom.¹⁸ We must not overlook the fact that this doctrine is here stated in an apocalyptic book, in strict apocalyptic form, and it thus enables us to understand somewhat better the social significance of apocalyptic theory.

* * *

It will doubtless have been observed that no theory as to the

This kind of speculation is typical of the type of Judaism which is, in fact, free from an *acute* eschatological excitement. It is, however, quite unthinkable in the genuine apocalyptic atmosphere of *As. Mos.* and similar writings. It is, interesting to note that Nathan of Gaza, the prophet of Sabbatianism, argued that the predetermined, absolute, End had come in his generation, reviving the truly apocalyptical concept (see SCHOLEM, *Sabbetai Zevi*, 1947 (Hebrew p. 221)).

¹⁶ In the terminology of later Judaism, Taxo might be called "one who forced the End" (*dahaq et ha-qes*). The precise meaning (or meanings) of that term is, however, beyond the competence of the present writer. According to the Midrash (*Shir ha-Shirim Rabbah* 2, 18, on *Cant. ii: 7*) "God made Israel swear that they would not force the End". The "historical" examples which are given there seem to refer to military action undertaken in the belief that the End had come.

¹⁷ For a review of such acts see HENGEL, *op. cit.*, pp. 261 f.

¹⁸ HENGEL (p. 272) suggests that acts of martyrdom might have been prompted by the belief in Divine vengeance, and quotes Taxo in this context. He seems, however, unaware of the significance of the passage about Taxo being the only contemporary text which does, in fact, contain the relevant doctrine. The main point of LATTEY's article (*op. cit.*) is also worthy of note: Taxo's martyrdom seems to have the value of vicarious suffering.

date of composition of the *Assumption of Moses* has been adopted for a basis of the preceding argument. The present writer would prefer to keep his main conclusions independent of any theory of dating, because no solution of the date question is entirely satisfactory. The question, however, cannot be entirely ignored. The problems were stated in a masterly manner by Charles,¹⁹ who is followed by most scholars. Let us recapitulate them briefly:

Chapter v of the *Assumption of Moses* can be interpreted with fair certainty as alluding to the times of Jason and Menelaus before the Hasmonaeen insurrection. The passage describes the wickedness of the rulers, but there is no mention of the persecution under Antiochus, nor is there any hint of the wars of the Maccabees. What follows is a brief reference to the later Hasmonaeen "kings bearing rule who shall call themselves High Priests of God" (vi: 1). The rest of ch. vi is taken up with a description of Herod the Great, whose identification is certain. His successors are mentioned, but the narrative does not extend much beyond their accession. Chapter vii describes certain wicked rulers, who do not seem to hold any official position but are accused of religious hypocrisy. It is not impossible that some leading circles of post-Herodian times, Pharisees or Saducees, are meant. Up to this point the narrative seems to follow—with some gaps—the actual sequence of historical events. Chapter viii, however, is most easily to be interpreted as a description of the persecution by Antiochus IV: no closer historical parallel can be suggested. Taxo himself of known historical figures most resembles the early *Hasidim* who let themselves be slaughtered in a cave because they would not desecrate the Sabbath. Even their speech, as given in 1 *Macc.* ii: 37, bears some resemblance to Taxo's exhortations. But according to the sequence of events in the *Assumption of Moses*, chapters viii and ix are supposed to describe post-Herodian situations.

Charles' solution²⁰ of these difficulties is a transposition of the chapters viii and ix to their proper "historical" place, between chapters v and vi. This operation effectively closes the gap between ch. v and vi and restores the logic of the historical account. It is, however, manifestly mistaken, because it deprives Taxo of his eschatological significance. As rearranged by Charles, the book

¹⁹ *Op. cit.*, pp. 28-30.

²⁰ *ibid.*

has no description of the apocalyptic crisis, no culmination of the apocalyptic process, and no scheme at all, in fact neither meaning nor message. Lattey²¹ realised this difficulty; as a remedy he suggested that ch. viii only be transposed. In this rearrangement it is difficult to find a proper historical parallel for Taxo, but it is possible to regard him as a wholly meta-historical figure. A more serious difficulty in Lattey's rearrangement is the circumstance that Taxo seems to refer in his speech to the persecution described in ch. viii, which explains his action.²² In the present writer's opinion no theory which deprives Taxo of his proper background is to be adopted. In other words, the reading of the chapters in an artificially rearranged sequence does not really solve the difficulty.

There are two solutions which seem to the present writer to be reasonable. We might conclude that the difficulty is in fact but a figment of our imagination, at least in part. The author may be referring in chapters vii-ix to events and situations in post-Herodian times that are not sufficiently known to us to make their description easily interpretable. Alternatively, the situations and events in ch. viii-ix are expected by the author in the near future, but they had not yet happened when he wrote his book. In that case he might borrow for his description of the future some features known from the pre-Hasmonaeon troublous times. Both suggestions are minimalistic and cautious, but not very helpful.

The second solution which the present writer would venture to suggest is more hypothetical and less safe, but it does seem to give us more help towards a deeper understanding of the document as a whole. Let us assume that the *Assumption of Moses* as it has come down to us is not a wholly original work but rather an adaptation, made in post-Herodian times, of an earlier one. The first version will have been written at the beginning of the Hasmonaeon revolt, slightly earlier than the apocalyptic parts of *Daniel*. It contained a review of history up to the times of Jason and Menelaus (chapter v), described the persecution under Antiochus IV (ch. viii) and suggested that the deeds of the Hasidean Martyrs had the eschatological significance of provoking Divine vengeance (Taxo, ch. ix). An adapter, who lived in post-

²¹ *Op. cit.*, followed by ROWLEY, *The Relevance of Apocalyptic*, 1943, p. 92.

²² In LATTEY's rearrangement we also miss the *horae iii*, or four last stages, which are announced in vii: 1 (See the first part of this article). This detail is, however, too problematical to serve as an argument.

Herodian times, rewrote the book so as to make its message suitable to his own generation. Since he did not sympathize with the Hasmonaeans he saw no sense in a description of their wars, but mentioned briefly the late and "wicked" Hasmonaean rulers (beginning of ch. vi). He added a long description of Herod's rule and thus brought the work up to date (ch. vi). In accordance with the general apocalyptic scheme he also added a description of the wicked of the last—i.e. his own—generation (ch. vii). Chapters viii and ix thus acquired a new, metahistorical, meaning. In other words, chapters vi and vii may be regarded as interpolations. It is highly probable that the adapter did not work wholly mechanically, but made some other slight changes; we must not, therefore, attempt too neat a separation of the original and interpolated parts. The proposed theory is sufficient explanation of the literary and historical difficulties, and it has the advantage of providing Taxo with a neat historical parallel.²³

Jerusalem

JACOB LICHT

²³ Following CHARLES, *loc. cit.* The writer wishes to express his thanks to D. FLUSSER and S. LOWENSTAMM, who were kind enough to discuss the subject-matter of this article with him and made several valuable suggestions.

A Jewish Counterpart to the Acts of the Alexandrians

FOR Palestinian Jewry of the two centuries between Pompey's capture of Jerusalem and Hadrian's the *immensa maiestas* with which Pliny the Elder¹ invested the *Pax Romana* must have struck a wry note, with Tacitean undertones. Yet there are not lacking a few voices to express recognition (and not invariably grudging recognition) of the advantages in comparatively settled government that Roman rule brought with it²: but in view of the Jews' tradition that their sacred books enshrined their title deeds to exclusive possession of Palestine, anything approaching *de jure* recognition is to be regarded as quite exceptional.³

Considerations not entirely dissimilar coloured the Palestinian Jewish attitude towards Egypt, or rather in particular towards Alexandria. Jewish colonies had been settled in what was later to be called the $\chi\acute{o}\rho\alpha$ from before the time of the 5th century Jewish garrison at Elephantine; and if the presence of Jews in Alexandria itself cannot, at present, be authenticated earlier than the time of Ptolemy I or II⁴ in spite of Josephus' implication that it was due to the Founder himself,⁵ Alexander was enough of a Jewish as well as an Alexandrian hero for his name to figure frequently in Jewish usage. In any case, Alexandrian Jewry was ever at pains to insinuate, even when it could not openly assert, its parity with the Greek element as opposed to the native Egyptian population, a claim which the Greeks were no less concerned to resist by whatever means—constitutional, quasi-constitutional, or violent—that lay to hand. This self-assertion on the part of Alexandrian Jews commanded, apparently, sufficient practical sympathy from their Palestinian kinsmen for the latter to have provided support in the form of volunteer manpower when the Jews rose to arms.⁶

¹ *H.N.* 27, 1, 1, § 3, cf. 14, 1, 2.

² *E.g.* the much quoted saying of R. Hanina, deputy High Priest, Mishnah, *ʿAvoth* iii, 2. See further material assembled by H. LOEWE, *Render Unto Caesar*, pp. 29, 32 f., and compare the attitude of the priestly party as represented in the gospel narrative.

³ Thus R. Jose b. Qisma (*temp.* Hadrian) on his deathbed, T.B. *ʿA.Z.* 18a. *Gen. R.* 9, 13, ed. Wilna f. 25a (R. Simeon b. Laqish).

⁴ See, most recently, V. A. TCHERIKOVER and A. FUKS, *Corpus Papyrorum Judaicarum*, i, (1957), prolegomena, p. 3.

⁵ *Ant.* xix, 5, 281, *ibid.* note 7.

⁶ See *e.g.* Claudius' letter to the Alexandrians of 41 C.E., Pap. Lond. 1912, ll. 96-8; TCHERIKOVER-FUKS, *op. cit.*, ii (1960), pp. 41, 54, following H. I. BELL, *Jews and Christians in Egypt*, p. 18.

On the theoretical side, early rabbinic Judaism might point (as a parallel to its biblical 'charter' to Palestine) to the negative attitude towards Egypt evinced by a number of biblical texts, the deprecatory stand in which towards any Jewish resettlement in that country might be interpreted, sometimes, as tantamount to a definite prohibition.⁷ But Jewish bonds between the economies of Palestine and Ptolemaic-Roman Egypt were too substantial, and of too long a standing,⁸ for the rabbis to be able to ignore them in practice, and cultural influences arising out of this connection did not flow exclusively south-west from Jerusalem. A measure of the reverse process is afforded by the circumstance that when panegyrising the great synagogue of Alexandria—and the synagogue, it need scarcely be recalled, was the one essentially Jewish feature in the life of the Diaspora communities—R. Judah b. 'Ila'i (2nd cent. C.E.) referred to it not in the native Hebrew terms *beth ha-Keneseth* or *beth ha-Midrash* (which he might conceivably have considered inappropriate), but as a 'διπλόστοον⁹ like a great βασιλική'.

But if pharisaic and rabbinic Judaism could rarely, if ever¹⁰

⁷ Ex. xiv: 13, Deut. xvii: 16, xxviii: 68, Is. xxxi: 1, etc. These texts are brought into association in the rabbinic passages to be discussed below. Israel were 'warned' (*Esther Rabbah*, *Pethiḥtah*, § 3 הקב"ה מזהיר 3, T.J. *Sukkah* v, 1 (הוזהרו) not to return to Egypt; they 'ignored' the warning and were smitten (כפרו ולקו, *Esther Rabbah*; T.J. has חזרו ונפלו, 'they went back on it and fell [into disaster]'). The word *kaf'ru* = ignored, denied, scarcely falls short of 'av'ru = transgressed, and indeed the *Sifrey* to Deut. xvii: 16 (§ 158, ed. L. FINKELSTEIN, 1937, p. 210) actually uses the term *transgression* (עבירה) מ"ט איענשו (מחזירתם לשם משום דעברי אהאי קרא לא תוסיפון לשוב בדרך הזה עוד ואינהו הדור אתו Cf. I. H. WEISS' note to *mekhilta* on Ex. xiv: 13, *Beshallah* § li, p. 35 note 10. Maimonides, rendering explicit what he took to be the implications of this passage, formally reckoned the prohibition of residence in Egypt as one of the 365 negative commandments (*Minyan Ha-Miṣwoth*, negatives, no. 46; *Hil'kkhoth M'lakhim*, v, 7-8) and specifically mentions Alexandria as included within the tenor of the interdict. The seeming paradox of this ruling in view of Maimonides' own domicile in Fostat is explained, or explained away, by Moses of Coucy in his *Sefer Miṣwoth Gadol*, negative precepts, no. 227, ed. Soncino, 1488, f. [73b], see also the *Haggahoth Maimuniyyoth* of R. Me'ir Ha-Kohen *in loc.* (13th cent.).

⁸ E.g. the house of Toubias in the Zenon Papyri (3rd cent. B.C.E.). See TCHERIKOVER-FUKS, i, p. 115 f.

⁹ *Tosefta*, *Sukkah* iv, 6, etc. (דיפלסטון). From the enthusiasm with which he speaks, it is not to be supposed that R. Judah was deliberately avoiding the usual Alexandrian terms *πρῶστον* and *ἐὶς ἑστῶν* as symbolic of a 'spurious' form of Judaism. His choice of language here increases in significance in the light of his praise of Roman public buildings, quoted *infra*, n. 41.

¹⁰ See *supra*, n. 3.

accord Roman rule in Palestine *de jure* recognition, it had no reason to dispute and had indeed sound reasons for welcoming Roman rule in Egypt. It will, therefore, in spite of the theoretical objections adumbrated above to the resettlement of Jews in Egypt at all, probably have viewed with at least benevolent neutrality the strivings of Alexandrian Jewry to make good its claim on Rome, as the successor power, to uphold its allegedly long-standing Ptolemaic privileges. This appeal for governmental sponsorship or protection was strenuously resisted by the Greek population, jealous of its own position and anxious to see the local Jews reduced to the same status as that enjoyed by the native Egyptians;¹¹ and the Greeks advanced their counterclaim by appealing to the existence of a common bond of culture between themselves and the Romans, as contrasted to barbarian peoples.¹²

The *locus classicus* for Alexandrian anti-Jewish propaganda in this sense is to be found in the so-called *Acts of the Alexandrian Martyrs* preserved in a mutilated state in a series of papyri.¹³ In spite of the protocol form in which they are couched, the opinion that these *Acts* are in any way based upon genuine official documents has now been virtually abandoned in favour of Reitzenstein's view that they constitute a particular *genre* of *klein-literatur*,¹⁴ or rather mischief-making (*Verhetzungsliteratur*).^{14a} On the Jewish side politically animated martyrologies certainly are to be found, and one of them (*4 Maccabees*)¹⁵ has been assigned to the first or second century C.E.;^{15a} but even though its author may have had latent Alexandrian antisemitism at the back of his

¹¹ See Pap. BGU 511 (*Isidore and Lampon*), l. 25 f., οὐκ εἰσιν Ἀλεξανδρεῦσιν ὁμοιοπαθεῖς τρόπῳ δε Αἰγυπτ[ίων ὁμοῦ], TCHERIKOVER-FUKS, ii, pp. 78 f.

¹² Pap. Oxy. 1242 (*Hermiscus*, see *infra*) l. 48 f., ὁφείλεις οὖν πάλι τοῖς σεαυτοῦ βοηθεῖν καὶ μὴ τοῖς ἀνοσίοις Ἰουδαίοις συνήγοραεῖν. TCHERIKOVER-FUKS, ii, p. 87, rightly stress the significance of the words τοῖς σεαυτοῦ in their context, spoken as they are by an avowed enemy of the Roman power.

¹³ Edited, most recently, by HERBERT A. MUSURILLO, S.J. (*The Acts of the Pagan Martyrs*, Oxford 1954) and partially reproduced, with additional comment, by TCHERIKOVER-FUKS, ii, p. 55 f.

¹⁴ Nach Götti. *Ges. Wiss.*, 1904, i, pp. 326-32; MUSURILLO, p. 236 f.; TCHERIKOVER-FUKS, ii, p. 56 f. J. A. CROOK (*Consilium Principis*, pp. 134, 84, 142-7) has recently upheld the view that, for all their fantasy, the documents may contain a germ of historical fact.

^{14a} A. VON PREMERSTEIN, *Zu den sogenannten alexandrinischen Märtyrakten*, Leipzig, 1923, p. 75 (= *Philologus*, Suppl. xvi, 11).

¹⁵ See the literature cited by MUSURILLO, p. 239, n. 2.

^{15a} TOWNSHEND (see next note), p. 654, would argue for a date not later than 38 C.E.

mind,¹⁶ his Stoic discourse is not primarily motivated by the intention of combatting it. The purpose of the present note is to draw attention to a relevant passage in not a Greek, but a Hebrew source of the tannaitic period, the significance of which as a counterpart to one of the *Alexandrian Acts* does not seem, hitherto, to have been fully appreciated.

If the standards of catchpenny journalism are the appropriate canon by which to measure these documents, then the *Acts of Hermaiscus*¹⁷ may be considered the most sensational of the fragments so far known. An Alexandrian embassy is described as presenting its case before Trajan; the *locale* is Rome, and the dramatic date cannot with confidence be determined more definitely than prior to Trajan's departure for the Parthian campaign in the autumn of 113¹⁸. A Jewish counter-embassy (from Alexandria) is present, and each party bears its own 'gods'—the Alexandrians a bust of Sarapis: a *lacuna* conceals the description of the Jewish counterpart, which is plausibly conjectured to have been one or more scrolls of the Jewish scriptures. The empress Plotina lobbies the Senate in the Jewish interest against the Alexandrians, who express their regret that the imperial council (or Senate)¹⁹ has been packed with irreligious Jews (l. 42 f., ὅτι τὸ συνέδριόν σου ἐπλήσθη τῶν ἀνοσίων Ἰουδαίων). Hermaiscus abuses^{19a} the Emperor in unrestrained terms as siding with the 'unholy' (i.e. irreligious or atheistic) Jews instead of helping 'his own' (τοῖς σεαυτοῦ, cf. *supra*, n. 12). At this point the Alexandrians' bust of Sarapis breaks into a sweat, to the amazement of the emperor, and general panic ensues throughout the city. Beyond this stage little can be made of the Papyrus, but it appears that Hermaiscus is clapped

¹⁶ See R. B. TOWNSHEND in R. H. CHARLES, *Apocrypha & Pseudepigrapha*, ii, p. 654.

¹⁷ Pap. Oxy. 1242. MUSURILLO, p. 161 f.; TCHERIKOVER-FUKS, ii, p. 82 f., with bibliography. APPLEBAUM, *Tarbiz* 28, 3-4 (1959), p. 426.

¹⁸ MUSURILLO, p. 168.

¹⁹ TCHERIKOVER-FUKS, ii, p. 86 summarise opinions regarding the meaning of συνέδριον here.

^{19a} TCHERIKOVER-FUKS, ii, p. 56, following NIEDERMEYER etc., point out the improbability of such breach of protocol being permitted, still more of its finding its way into any official record. It is worth observing that rabbinic accounts of the trial of Julianus and Pappus before Trajan in Lydda similarly portray the accused as taunted by the emperor and rejoining that he is a mere ἰδιώτης as compared with Nebuchadnezzar (וְאוֹתוֹ רֹשֶׁעַ הַדְּיוּט הוּא); T.B. *Ta'anith* 18b, *Sifra*, *Emor*, 9, 5 ed. Weiss f. 99d, etc. See L. FINKELSTEIN in *Essays and Studies in Memory of Linda R. Miller*, ed. I. DAVIDSON, New York, 1938, p. 39.

into irons. Editors have pointed out that the whole atmosphere in which the proceedings are represented as being conducted can scarcely be regarded as authentic, and the value of the document as a factual record of a process in Trajan's council is correspondingly negative.

In the Palestinian Talmud (*Sukkah*, v, 1, *end*) there occurs the following anecdote, the similarity of which to the *Acts of Hermiscus* seems clear enough. Although cursory allusion was made by Weber,²⁰ the first editor of the Papyrus, to one of the parallel rabbinic passages mentioned below, the significance of the passage *vis à vis* the Alexandrian documents has been ignored by his successors.

'There is a teaching [of] R. Simeon b. Yoḥai: In three scriptural passages Israel were warned not to return to Egypt . . . in the case of all three they proved recalcitrant (*lit.* went back) and fell [into disaster] In the days of Trajan (*trugyynos*) the wicked a son was born to him on [the anniversary of the destruction of the Temple on] 9th Ab, and they (*sc.* the Jews) were fasting. His daughter died on the Feast of the Dedication of the Altar (*H^anukkah*), when they were lighting festive lights. His wife sent him [a message] saying, "instead of subduing the barbarians come and subdue the Jews, who have rebelled against you". He reckoned to make the journey in ten days, but did so in five. On arrival, he found them (*sc.* the Jews) studying the Torah and immersed in the verse (*Deut.* xxviii: 49) *The Lord shall bring a nation against thee from far, from the end of the earth, even as the eagle glides*. He said to them, "it refers to a certain person (i.e. himself) who reckoned to get [here] in ten days, but came in five". He set the legions around them and killed them, etc'.²¹

²⁰ *Hermes*, 50, 1915, p. 67 note.

²¹ תני רשב"י בג' מקומות הוזהרו ישראל שלא לשוב ארץ מצרים ובשלשתן חזרו ובשלשתן נפלו בימי טרוגיננס הרשע נולד לו בן בתשעה באב והיו מתעניין. מתה בתו בחנוכה והדליקו נרות ושלחה אשתו ואמרה לו עד שאת מכבש את הברבריים בוא כבוש את היהודים שמרדו בכך. חשב מתי לעשרה יומין ואתא לחמשה. אתא ואשכחון עסיקין באורייתא בפסוקא ישא ה' עליך גוי מרחוק מקצה הארץ וגו'. אמר לון דהוא גברא הוא דחשב מתי לעשרה יומין ואתא לחמשה והקיפון ליגיונות והרגן

In the *Mekhilta* of R. Ishmael to *Ex.* xiv: 13, ed. Friedmann 29a (— *Mekhilta* of R. Simeon b. Yoḥai, ed. Epstein-Melamed p. 56), the third incident is truncated to the brief statement (טרוגיננס) והג' בימי תורגיננס.

Any doubt that the implied *locale* of this conversation and subsequent massacre is in Egypt itself should be resolved by the circumstance that the passage quoted follows immediately on the description of the great synagogue of Alexandria,²² responsibility for the destruction of which is laid at Trajan's door. Of the parallel recensions, the only one to mention R. Simeon b. Yoḥai as the tradent is the midrash *Esther Rabbah*,²³ where the story follows on an exposition of *Deut.* xxviii: 69, *And the Lord shall bring thee into Egypt again with ships*. The particulars vary slightly, in one instance perhaps significantly. The wife of Trajan (the form here is *tr(a)kinos*) gives birth to a (male) child on 9th Ab, amid Jewish mourning; the child is 'muted' (in death)²⁴ on *H^anukkah* and the Jews, dubious whether or not to celebrate the festival, decide to light the lights whatever the odds. "They" calumniate the Jews to Trajan's wife²⁵ — "these Jews went into mourning when you gave birth to a child, and when it died they lit candles". She sends a written message to her husband, whose journey (specifically on board ship) is again paradoxically quick. On hearing the text with which the Jews are concerned, he positively identifies himself with the eagle (therein mentioned: or possibly, with *an* eagle, on the grounds of the swiftness of his journey).²⁶ A similar version appears twice (anonymously) in *Lamentations Rabbah*.²⁷ In a version in the Babylonian Talmud the villain of the piece is Alexander the Great,²⁸ and there is no reference to any malicious whispering campaign; but conclusions from this omission ought not to be drawn as to the original form of the story, inasmuch as this recension is highly abbreviated and seems to presuppose sundry details as familiar.

That the incident as here portrayed is demonstrably unhistorical is a contention standing even less in need of substantiation than is the case with the *Acts of Hermiascus*. Trajan and Plotina were childless, as far as is known; and if there was indeed any

²² A parallel to that quoted *supra*, n. 9.

²³ *P^ethiḥtah*, § 3, ed. Wilna f. 1a col. ii.

²⁴ In place of נשחך = *pounded, ground*, read doubtless with the parallel in *Lamentations Rabbah* (see n. 27) נשתק = *was struck silent*.

²⁵ אולן ואמרן לישנא ביש לאשתו של טרכינוס

²⁶ אנא הוא נשרא דחשיבית למיתי בעשרה יומין ואייתני רוחא בחמשה יומין

²⁷ 1, § 45 (on i: 16), ed. Wilna f. 17b col. i, and 4, § 22 (on iv: 19), f. 29b col. ii.

²⁸ *Sukkah* 51b. R. Elijah the Gaon of Wilna correctly restored *Trajan* in place of *Alexander*. See the *novellae* of R. Samuel b. Joseph Strashun (הרש"ש) to *Esther Rabbah*, *loc. cit.*

issue, unrecorded in the sources, that died at birth, the time interval between 9th Ab and (the next following) *Hanukkah* is too long (some four months): nor, as far as is known, did Plotina have children by any previous marriage. Moreover, Trajan himself is not recorded to have visited either Palestine or Egypt during his principate. On the other hand, the reference to the massacre of Jews may be connected plausibly enough with the suppression of the Jewish revolt in Egypt, Cyrenaica etc. in 115-7 C.E.²⁹ during Trajan's abortive Parthian campaign, which began in 114 and may be said to have ended with his own death in Cilicia on 11th August, 117, while he was hurrying as an invalid to Italy after the withdrawal from Ctesiphon. Plotina's alleged message to her husband to abandon the 'barbarians' and deal with the rebellious Jews would demand, as a *terminus ante quem* for the dramatic date, a date prior to the commencement of the withdrawal from Parthia (on which campaign she in fact accompanied him), or at least prior to the news of the retreat having reached Egypt, where the story presupposes her to be; and the withdrawal from Ctesiphon began before the end of the year 116.³⁰ The maliciously activated informers referred to in the midrashic recension of the story (see *supra*, p. 110) may with confidence be identified with antisemitic elements in the Greek population of Alexandria (and the *χώρα*).

In an attempt to recover a nucleus of historical fact from the anecdote, S. Krauss³¹ remarked upon the anomalous form of the name *Tr(a)kinos*, in which he saw a contamination of the name of Emperor with that of Marcus (Turbo), the officer whom Trajan sent to Egypt in 116 or 117 to suppress the revolt: and by relating the quotation from *Deut.* xxviii: 49 with the point of its occurrence in the triennial cycle of the pentateuchal lectionary, he thought that the implied time interval could point to a date sufficiently congruent with a presupposed military timetable to render the

²⁹ For modern historical treatment of the revolt see GRAETZ, *Geschichte der Juden*³ ed. ROSENTHAL, iv, p. 113 f., (English translation, 1893, ii, p. 397); SCHÜRER, *History of the Jewish People* (English translation, 1905, I, ii, p. 281 f.; A. SCHALIT in *Sinai* (Hebrew), iii, (1939), p. 373 f.; SH. APPLEBAUM in *JJS* ii, 1 (1950), p. 26 f.; S. W. BARON, *A Social and Religious History of the Jews*², ii (1952), pp. 94 f., 96, 370.

³⁰ Dio Cassius, *Epitome* lxxviii, 30, 3-31, ed. E. CARY (Loeb text) viii, p. 418. By the end of 116 Dura Europos was again in Parthian hands; see R. P. LONGDEN in *C.A.H.* xi, p. 249, n. 3. R. HANSLIK, art. *Pompeia Plotina*, *PW* xxi, 2, (1952), p. 2293 f.

³¹ *REJ* 30, (1894), p. 204 f., and more briefly in *J.E.*, s.v. *Trajan* (vol. xii, p. 218).

story plausible enough in the main. The argument is conjectural, to say the least, and Krauss assumed, without evidence, that the whole incident took place in Judaea.³² His omission to consider Egypt at all, in spite of the talmudic context (see *supra*, p. 110), is the more excusable in that he was writing some twenty years before the publication of the *Acts of Hermaiscus*. Of more recent writers, Sh. Applebaum³³ also connects the talmudic story with Marcus Turbo's counter-invasion of Egypt, and tentatively if tenuously associates it with the *Sibyllines* (v, 187-95, 200-5). It may be observed, in passing, that we know nothing of Turbo's own family affairs that would support any connection of the talmudic detail about the short-lived child, or the death of a daughter, with him.³⁴

* * *

An attempt to place the whole anecdote in its appropriate *Sitz im Leben* ought, in my view, to proceed from the circumstance that it originates with R. Simeon b. Yohai. The attribution, asserted in two sources and contested by none,³⁵ may be regarded as confirmed by Simeon's personality as revealed in his other utterances.³⁶ Of an age to have a son at least adolescent by the time of the Hadrianic persecutions (132 C.E.), he was himself born of a Romanophil father³⁷ whose sympathies (being himself a pupil of

³² *REJ*, art. cit., p. 206.

³³ *Art. cit.* (see note 29), p. 29 f. Inexplicably, however, APPLEBAUM asserts wrongly (p. 28) that this very source (rehearsed above, see note 21) reports that *Hadrian* was sent by Trajan (to Cyprus) to put down disorder.

³⁴ C. Gallonius Fronto and T. Flavius Longinus Q. Marcus Turbo are tentatively identified as Marcus Turbo's son and adoptive son respectively by STEIN (PAULY-WISSOWA, *RE* 28th half vol., vol. 30, 1930), 1600; *Prosopographia Imperii Romani*² F. 305 and G. 50. KRAUSS (see note 31) believed that the unprecedented atrocities towards Jewish women with which, in the continuation of the rabbinic passages quoted above, 'Trajan' is credited (see *infra*, p. 119 n. 70), imply an act of personal vindictiveness on the part of Marcus Turbo. In default of any evidence outside the talmudic anecdote, he assumed that such vindictiveness must have had some pretext.

³⁵ See *nn.* 21 (conclusion), 23; W. BACHER, *Die Agada der Tannaiten*, ii, 1890, p. 132, n. 3.

³⁶ See BACHER, *op. cit.*, p. 70 f.; more briefly, M. SELIGSOHN in *Jewish Encyclopedia*, xi, p. 359 f.

³⁷ T.B. *Pes.* 112a; but the point may be somewhat exaggerated by historians. Since 'Aqiva was already held by the authorities Yohai's intervention, playfully threatened by his son Simeon, could hardly have led to 'Aqiva's being 'handed over to the government'. Cf. FINKELSTEIN, *Akiba, Scholar, Saint, and Martyr*, 1936, p. 168.

R. 'Aqiva) he did not share. Indeed, his hostility to all non-Jews amounted to a gruff jingoism, which the other exaggerated generalisations that (in some sources) accompany his well-known *dictum* 'however fine a Gentile is, kill him'³⁸ can do little to palliate. It is probably due to his prickliness, as Bacher surmised,³⁹ that no discussions with non-Jews are recorded of him.

Simeon b. Yoḥai's negative attitude towards Rome and the advantages allegedly conferred on subject peoples by her rule is best illustrated by his public contraversion of the pro-Roman propaganda line taken by R. Judah b. 'Ila'i. The occasion was the Synod of 'Usha in Galilee, the date of which is sometimes said to have been as late as 140 C.E.,⁴⁰ although such a date is scarcely compatible with what follows here. According to a talmudic source,⁴¹ R. Judah b. 'Ila'i was speaking spontaneously in praise of the Roman settlement: "How fair are the achievements of this nation! They have [extended and] improved the streets (less likely, markets), bridges, bath-houses" R. Simeon b. Yoḥai countered, "all their improved [public works] are carried out with an eye to their own advantage. Streets—to provide beats for prostitutes; bath-houses—for their own luxury; bridges—to collect toll"⁴² . . . the speeches were reported to the Government and R. Simeon b. Yoḥai was condemned to death'. As a result, he had to spend 13 years in hiding, studying alone with his son Eleazar in a cave. There is further preserved a cryptic remark of Simeon's running "if ever you see a Persian (i.e. Parthian) horse tethered [to the graves] in the Land of Israel, look out for the advent of the Messiah"⁴³. The remark seems to be a piece of

³⁸ *Mekhilta* of R. Ishmael, *Beshallah*, i, *infra* (ed. FRIEDMANN p. 27a, n. 48), = *Mekhilta* of R. Simeon b. Yoḥai, ed. EPSTEIN-MELAMED, p. 51 (f. 17a l. 5); the latter, however, does not refer the adage directly to him: מִיכֹן אָמַרְוּ. For parallel texts, see BACHER, *op. cit.*, ii, p. 86, n. 3; *J.E.* xi, p. 362, col. ii, *supra*.

³⁹ *Op. cit.*, ii, p. 79.

⁴⁰ So S. KRAUSS in *J.E.* xi, p. 645.

⁴¹ T.B. *Shabbath* 33b. This possibly implies, but does not positively state that the incident took place at the 'Usha gathering.

⁴² It may be noted that in T.B. 'A.Z. 2a-b (R. Hanina b. Papa or R. Simla'i) Rome and other world powers are represented in the eschatological scene as urging similar achievements as having been motivated exclusively by a desire to afford Jewry the opportunity for devotion to the study of Torah (וְכוֹלָם לֹא) וְעָשִׂינוּ אֵלָּא בְּשִׁבְלֵי יִשְׂרָאֵל כְּדֵי שִׁתְּעַסְקוּ בַּתּוֹרָה (עָשִׂינוּ אֵלָּא בְּשִׁבְלֵי יִשְׂרָאֵל כְּדֵי שִׁתְּעַסְקוּ בַּתּוֹרָה). The plea is rejected by God in terms similar to those used by Simeon b. Yoḥai. It seems possible that we have here a genuine echo of contemporary pro-Roman propaganda.

⁴³ אַם רֹאִיתָ סוֹס פֶּרְסִי קָשׁוּר בַּקְבְּרִי אֶרֶץ יִשְׂרָאֵל צִפָּה לְרִגְלֵי שֶׁל מָשִׁיחַ. *Cant. R.* on viii: 9, *end* (ed. Wilna 40b), and *Lam. R.* on i: 13 (§ 1, 41, *end*, ed.

exegetical eschatology based on *Micah* v: 4 rather than having been primarily inspired by anti-Roman sentiments. If it was, nevertheless, prompted by any contemporary military movements, one would think of Trajan's Parthian campaign of 114-7 rather than that of Avidius Cassius in 164-5 C E., by which time Simeon, if still alive, would have been very advanced in years.

And yet, for all his intransigence, R. Simeon b. Yoḥai possessed another side to his character which apparently rendered him not entirely unsuited to the role of advocate. In one of his similes⁴⁴ he evinces a familiarity with the annoyances of communal representation and with the atmosphere that pervades a harrassed delegation. An embassy, led by a 'king'^{44a} (apparently introduced from outside as an advocate) pursues an evanescent governor of Acco from his seat of government through Tyre, Sidon, and Biri to Antioch, where the members of the mission fall to recriminations with the 'king' regarding the frustrations of their journey. The sketch is not impossibly the fruit of personal experience, since Simeon was himself certainly the member of one mission, which secured the annulment of a decree that proscribed sundry Jewish religious practices. The account, as we have it,⁴⁵ is colourfully written up, and includes a supernatural element. The scene opens, either at Rome or (less probably) at the seat of the provincial government with a disguised Jew securing the repeal of the offending enactments by sheer forensic ability. It transpires, however, that the advocate is himself Jewish in spite of his Roman-style haircut^{45a}, and the repeal is itself consequently rescinded. R. Simeon b. Yoḥai and another are then despatched to secure a second annulment, Simeon on account of his reputation as a miracle worker. Finding, on their arrival, that the emperor's daughter is possessed by a spirit which had previously assured them of its preparedness to cooperate, Simeon proceeds to 'exorcise' it. As his reward he is permitted to take what he wishes from the royal treasury, and

Wilna 16a), where see Z. W. EINHORN's penetrating observations in his commentary. BACHER, *op. cit.*, ii, p. 144, n. 5. See also T.B. *Sanh.* 98a-b.

⁴⁴ *Sifrey* to *Num.* x: 35 f., § 84, end, ed. HOROVITZ, p. 80. BACHER, *op. cit.*, ii, p. 136, n. 1.

^{44a} The word *melekh* seems so odd in the context that one is induced to venture the vocalisation *mallakh*, an assumed Hebrew equivalent of the Aramaic מלִיכָא, *counsellor* (see JASTROW s.v.).

⁴⁵ T.B. *Me'ilah* 17a-b; BACHER, *op. cit.*, p. 76.

^{45a} Jewish hair style, based on *Lev.* xix:27, was it seems already recognisably distinctive; see *Pesiqta Kahana*, *Naḥamu*, ed. BUBER, f. 125a l. 9.

having hunted there for the anti-Jewish directive he removes and destroys it. It would be rash indeed to attach much evidential weight to this anecdote, which has folkloristic affinities in other literatures.⁴⁶ At the most, it might indicate that Simeon b. Yoḥai was regarded by his contemporaries as person of sufficient diplomacy to handle an audience with the emperor successfully, and this would imply some familiarity on his part with forensic procedure and protocol; and perhaps also, that he was capable of recognising a product of the imperial chancery. It is noteworthy that whereas in the earlier part of the anecdote reference is to *gezerot* (*prohibitive decrees*), the document which Simeon is alleged to have found in the *genizah* (i.e. archives) and destroyed is called **איגרא** (*letter*). But all this amounts to very little; and for the contention that will be advanced below, the foregoing possibility is by no means an essential argument. We have merely to place the midrashic anecdote alongside the *Acts of Hermaiscus* for certain common elements to spring into focus. Although one or two of them seem to be of little or no significance, we may deal with them all *seriatim*.

1. In each case the emperor concerned is Trajan (τρυγγυνος, τράκινος).⁴⁷ From the Jewish point of view, there is nothing surprising about his figuring as the villain of the piece: disappointment engendered by his failure to implement a supposed undertaking to rebuild the Temple ensured that the rabbinic attitude towards him, as reflected in the sources, would be antipathetic.⁴⁸

2. It is the empress through whose instrumentality Trajan's hostility is alleged by either party to have been excited towards themselves. In the Papyrus she is mentioned by name as having both lobbied the senate and won over the emperor himself.⁴⁹ In the rabbinic sources, 'Trajan's wife' sends him a message reporting the apparently disloyal behaviour of the Jews in withholding from

⁴⁶ See I. LÉVI in *REJ*, viii, 1884 p. 200 f., also J. HALÉVY, *ibid.* x, 1885, p. 60 f., and BACHER, *ibid.* xxxv, 1897, p. 285 f., who comperes the legend of St Abercius of Hierapolis, *Acta Sanctorum* ix, 1896 (22nd Oct.).

⁴⁷ Pap. (see n. 12), l. 30. For the forms in the Hebrew sources, see *supra*, pp. 109, 110.

⁴⁸ For the literature, see FINKELSTEIN, *op. cit.* (n. 37), p. 313 f.; S. KRAUSS, art. *Trajan*, *J.E.* xii, p. 218.

⁴⁹ Cf. *supra*, n. 19. Pap., l. 26 f., [η] δὲ Πλωτεῖνα ἀπικνεῖ τοῦς συνελθόντας πρὸς τὴν ἀρχὴν ἀγνέσθαι κατὰ Ἀλεξάνδρεων καὶ τοῦς Ἰουδαίους βοηθῆσαι l. 30 f., ὁ δὲ Κλαύδιος καὶ αὐτὸς ἤδη προπεπεισμένον ἐπὶ Πλωτείνῃς.

participation in royal occasions. In one version she is represented as having been worked upon by mischief-makers ('they')⁵⁰: and this corresponds, approximately, to the Alexandrian objection that the imperial council was packed with Jews.⁵¹ The fact that both parties (to use the term imprecisely) advance the identical accusation of prejudice may quite possibly be read as a tribute to the impartiality of the empress (and her husband?)—analogous complaints regarding mediating powers from the course of Jewish and indeed of general history will spring to mind. For what it is worth, Pompeia Plotina is known to have favoured Epicureans, and perhaps also their philosophy⁵²; if so, she is unlikely to have had any more time for the Alexandrian Sarapis cult than for Judaism. Trajan himself, it may be surmised, will have approached the whole Jewish question at Alexandria from pragmatic and not from ideological premises.

3. In both documents a sea journey is involved; almost inevitably so in the case of the *Acts of Hermiscus*, since the Alexandrians' case is heard at Rome: and one detail of the journey which is mentioned is possibly included so as to suggest that their suit was presented in due and unhurried form.⁵³ In the midrash⁵⁴ Trajan's paradoxical arrival by sea in half his own estimated time, thanks to a favourable wind, fulfils a dramatic function: it is mentioned for the sake of the apposite fulfilment that it affords of divine commination in *Deut.* xxviii: 49, which tells of a foe that shall come *even as the eagle glides*.

4. Trajan is taunted with a dereliction of duty arising out of his favourable or *laissez-faire* Jewish policy: the *Acts* remind him of his duty to help 'his own' rather than play advocate for the Jews,⁵⁵ whilst in the midrash the empress is made to hint that campaigns against barbarians abroad are supererogatory so long as there are rebellious Jews to be dealt with on the home front.⁵⁶

⁵⁰ *Supra*, n. 25.

⁵¹ Pap., l. 42 f., λυπούμεθα ὅτι τὸ συνέδριόν σου ἐπλήσθη τῶν / ἀνοσίων Ἰουδαίων, l. 44 f., αὐθάδως ἀποκρίνη . . . / ὅτι τὸ συνέδριόν μου Ἰουδαίων ἐπόλησας.

⁵² HANSLIK, *art. cit.* (n. 30), 2296.

⁵³ Pap., l. 16 f., ἀνάγον/ται μὲν οὖν τῆς πόλεως καὶ λήξαντος τοῦ χειμῶνος / ὁρμίζον[ται εἰς] τὴν Ῥώμην. See TCHERIKOVER's note to this last phrase, *Corpus P.J.* ii, p. 86.

⁵⁴ *Supra*, p. 109; *Esther Rabbah* (see n. 23) סליק לאילפא וחשב למיתו בעשרה יומין וימין וכו'

⁵⁵ See *supra*, n. 12.

⁵⁶ *Supra*, n. 21.

5. The Jews are referred to by their opponents in conventionally opprobrious terms. In the Papyrus they are, for Hermaiscus (but not, of course, for Trajan) the ἀνοσίτοι 'Ιουδαίοι⁵⁷—a term which, by 28th November 117 C.E. was already sufficiently accepted as a 'stock epithet' of almost Homeric conventionality for it to be able to figure, without apparent impropriety, in an official application for leave by a *stratēgos* named Apollonius to Rammius Martialis, Prefect of Egypt.⁵⁸ In one of the midrashic versions⁵⁹ the trouble-makers who poison the mind of the empress by misrepresentation refer to 'these' Jews⁶⁰—a use of the demonstrative adjective in which it is not illegitimate to detect a distinctly pejorative undertone.⁶¹

Although it must at this point be emphasised that no attempt is here being made to dovetail R. Simeon b. Yoḥai's story into the *Acts of Hermaiscus*, it is nevertheless fair to say that it would be difficult to find a more illuminating example of all that the Greco-Roman world abominated, and ultimately dubbed as ἀνοσιότης in Jewry, than the reproach which the unidentified 'they' (i.e. the Alexandrian populace) whispered into the empress' ear: the insinuation was clear that the Jews, out of deliberate malice, were inverting the occasions when loyalty to the whole *nexus* of Roman political and cultural institutions ought to be publicly demonstrated by participation in the domestic joys and griefs of the imperial family. In the language of Tacitus himself, *profana illic omnia quae apud nos sacra, rursum concessa apud illos quae nobis incesta non regibus haec adulatio, non Caesaribus honor*.⁶²

⁵⁷ Il. 43 (*supra*, n. 51), 49, also l. 78 ἀ'σεβεῖς, and TCHERIKOVER's notes in *loc. Contrast Trajan's omission of the epithet* (n. 51).

⁵⁸ Pap. Giss. 41, col. ii, l. 4 f., TCHERIKOVER-FUKS, ii, p. 248 f., where see FUKS' note; also TCHERIKOVER's, *ibid.* p. 87, and his *prolegomena*, i, p. 89 f. FUKS suggests that it was the violently iconoclastic character of the Jewish revolt in Egypt and the attacks on holy places, rather than the long-standing antagonism towards the Jews on the part of the local population, which accounts for the adoption of ἀνοσίτοι as a regular description of the Jews from this period onwards.

⁵⁹ See *supra*, p. 110 and n. 23.

⁶⁰ אילין יהודאין כד ילדת הוּו מתאבלין וכד מיית ולדא אדליקין בוצינן

⁶¹ Cf. the use of הני, so perhaps in (e.g.) T.B. B.M. 73b הני רבנן. Compare pejorative nuances of the demonstratives זה and הלוה in biblical Hebrew (BROWN-DRIVER-BRIGGS, *Hebrew Lexicon* s.v. זה l. a., p. 260 col. ii), the use of οὗτος in Greek (LIDDELL & SCOTT, ed. H. S. JONES, s.v., C. I. 3, p. 1276) and of iste in Latin (LEWIS & SHORT, s.v., II. B.).

⁶² *Hist.* v, 4-5. Dr E. WISENBERG reminds me that in the Second Targum to *Esther* (iii: 8) a long diatribe against Jewish institutions, similarly conceived,

6. In order to set the stage for a dramatic *denouement*, certain 'properties' have been introduced into the Alexandrian document. Each party takes along 'its own gods'—the Alexandrians a bust of Sarapis⁶³: and the only probable counterpart on the Jewish side is a sacred scroll.⁶⁴ The climax is reached with the miraculous sweating of the bust.⁶⁵ The rabbinic account does not, at first sight, contain any comparably sensational effect. The 'stage-property' is nevertheless present in the form of the biblical text upon which Trajan finds 'the Jews' engaged⁶⁶; for rabbinic thinking often hypostatizes 'The Text' (*ha-Kathuv*, i.e. the totality of holy scripture), apparently random quotations from which are regarded as no matter of mere coincidence, but rather as conveying a divine communication of immediate relevance to the situation in hand, similarly to the mediaeval practice of bibliomancy. Even though the application of the quotation was frequently as ironic as the response of the Delphic oracle or as wry as that of the *Sortes Vergilianae*, the numinous quality of the message was not thereby discredited. In the present instance it is Trajan himself who is represented as entering into the spirit of the thing, to the extent of pointing to the topicality of the reference in the verse to the speed of the gliding eagle.

7. The sole text of the *Acts of Hermaiscus* being mutilated, it cannot be stated with certainty whether the hero was executed, or saved by the miraculous intervention of Sarapis. The general similarities to the other Alexandrian *Acts*, however, have led scholars to categorise it with them as a martyrology. Trajan's sarcastic reference to the apparent eagerness of Hermaiscus to court death⁶⁷ is an adequate argument to justify this classification. A martyrological motivation is likewise present, albeit subtly introduced, in the Jewish text. The anecdote as quoted above concludes with the statement that Trajan 'surrounded them with

is placed into the mouth of Haman (English translation in L. GINZBERG, *The Legends of the Jews*, iv, p. 402 f.). For a reply to such charges of 'atheism', brought against Christians as well as Jews, see Justin Martyr, *Apol.* I, 6 (P.G.L. 6, 336, quoted by FINKELSTEIN, *The Ten Martyrs*, in *Essays and Studies in Memory of Linda R. Miller*, New York, 1935, p. 35).

⁶³ I. 17 f., ἐκαστοι βασιτάζοντες τοὺς ἰδίους θεούς, I. 51 ἡ τοῦ Σαράπιδος προτομή ἦν ἐβάσταζον.

⁶⁴ See p. 108.

⁶⁵ I. 51f., ἡ προτομή . . . / . . . χιρνίδιον ἴδρωσεν. TCHERIKOVER compares similarly ominous divine sweating in Vergil, *Aen.* ii, 173 f.

⁶⁶ See n. 21.

⁶⁷ I. 40 f.

own journey.⁷³ Surprisingly enough, rabbinic literature does not (so far as I am aware) make much play of the eagle's military and imperial associations,^{73a} although this has inspired the symbolism of the three-headed eagle (representing probably Vespasian, Titus, and Domitian) in 2 *Esdras* xi: 1 f., a text which is to be dated probably c. 100 C.E.⁷⁴ Indeed, the eagle figures not infrequently in ancient synagogal art, being it seems derived from eastern sources and consequently not exposed to immediate construction as a symbol of Rome; although there is evidence that it was sometimes deliberately mutilated in a manner that recalls the attempted demolition of the golden eagle erected by Herod over the gate of the Temple.^{74a} In general, it is not the eagle but the boar—which likewise figured as a legionary standard⁷⁵—that is taken in the Midrash to typify Rome.⁷⁶

* * *

What conclusions are to be drawn from the foregoing? Although detailed comparison of the *Acts of Hermiscus* with the rabbinic sources has revealed some impressive similarities they are not, in my view, close enough to postulate interdependence, and there remain substantial differences which it is unnecessary to particularise. If nevertheless it were argued that one account has in fact been directly inspired by the other, one would probably conclude that priority lies with the Greek; inasmuch as the seemingly insignificant detail regarding the Alexandrians' journey by sea

⁷³ See *supra*, p. 110.

^{73a} *neshet* = eagle is used as an equivalent of the Roman government in the cryptic message addressed to Rava (c. 280-352) in T.B. *Sanh.* 12a.

⁷⁴ See most recently L. H. BROCKINGTON, *A critical Introduction to the Apocrypha*, 1961, pp. 26, 27.

^{74a} Josephus, *Ant.* xvii, 6, 2, 152 and *War*, i, 33, 2-4, 648 f. For the archaeological occurrence of the eagle in Jewish contexts see E. R. GOODENOUGH, *Jewish Symbols in the Greco-Roman period*, viii, 1958, p. 121 f., especially 122, 123, 125, 135, and, most recently, in *HUCA* xxxii, 1961, p. 274.

⁷⁵ *Aper*: see Pliny, *H.N.* 10, 4, 5, § 16. According to Festus (*de verborum significatu fragg.*, qu. xii, ed. W. M. LINDSAY, Teubner Series, p. 266 l. 16) *porcus* was fifth in rank of the military emblems, a pig being slaughtered after the conclusion of hostilities to ratify the peace treaty. Possibly this circumstance aggravated Jewish animosity towards the swine (already anathema *qua* unclean animal *par excellence*) as a symbol of Rome rather than against the more obviously appropriate eagle.

⁷⁶ E.g. *Lev. Rabbah*, § 13, 5, ed. Wilna 19a, col. ii *et sequ.*, on Ps. lxxx: 14. See further L. GINZBERG, *The Legends of the Jews*, v, p. 294, n. 162, citing *Enoch* 89, 12, R. H. CHARLES, *Pseudepigrapha of O.T.*, p. 252.

will have been built up, in the Hebrew version, into an unexpectedly rapid crossing by Trajan, for the sake of dramatic effect.⁷⁷ But no such assumption need be made. The propagandist purpose of the Alexandrian *Acts* and their character as examples of *Verhetzungsliteratur* being established,⁷⁸ R. Simeon b. Yohai's story—evinced hostility primarily against Rome, but almost equally against Egypt—falls into place alongside, being moreover perfectly in harmony with what is known from elsewhere of his own personality and his political views.⁷⁹ In each case the *mise-en-scène* chosen is the obvious one to appeal to those who are expected to relish the propaganda—for the Alexandrians the imperial audience-chamber, and for the Jews the House of Study (this being, however, implied rather than explicitly asserted). It is legitimate, however, to point out that propagandists are not exclusively concerned with preaching to the converted: and the *Acts*, by making use of a quasi-forensic setting, may have been thought to stand a chance of attracting the interest, and so the sympathy, of uncommitted opinion at Rome as well as pandering to the tastes of the Alexandrian public. On the other hand, R. Simeon b. Yohai's thumbnail sketch of the Jews interrupted at their sacred study and bandying texts with the emperor is unlikely to have cut much ice either at Rome, or (probably) amongst governmental and wider Greco-Roman circles in Syria and Palestine. The objection has some substance, and might point towards the conclusion that any non-Jewish public on which Simeon may have had his eye will have been one naturally interested in, and potentially sympathetic to bible-study—i.e., Christian opinion.⁸⁰ I would not press this point: but it does seem reasonable to advance the following contentions:

⁷⁷ *Supra*, nn. 53, 54.

⁷⁸ *Supra*, n. 14^a.

⁷⁹ *Supra*, nn. 36 f.

⁸⁰ It does not appear that the Latin Fathers exploited the exegetical potentialities of the eagle for giving vent to antipathy towards Roman paganism and its military instrument any more than did the Rabbis: no doubt because for them other associations, with the New Testament (e.g. the eagle of St John the Evangelist), were paramount. The allegorical interpretation of the eagle as *sublimis huius saeculi potestas* seems first to be recorded (along with a number of other allegorical meanings, in both good and bad senses) by Rhabanus Maurus (*Alleg. in Sac. Scripturam*, P.L. 112, 862), referring to *Ezek.* xvii: 3, in which passage he identifies the 'great eagle' with Nebuchadnezzar and his army (*In Ezek.* viii, P.L. 110, 694 f.). Rhabanus is unlikely to be original, and further search might discover an earlier patristic source. Commenting on *Deut.* xxviii he does refer some details to the capture of Jerusalem by the Romans (P.L. 108, 958C, 960B); but he has nothing to say about the eagle in v. 49.

(1) That R. Simeon b. Yoḥai's anecdote is to be classified as an example of the same *genre* of *Verhetzungsliteratur* as that to which the Alexandrian *Acts* belong. (2) That Simeon was familiar with the existence, and general content of this type of hellenistic writing, though not necessarily with the *Acts of Hermaiscus* themselves or any of the other closely analogous documents now surviving. (3) That such compositions enjoyed sufficient currency in Palestine for Simeon to feel called upon to produce counter-propaganda in a medium likely to appeal to the corresponding intellectual and aesthetic level within his own community; and (4), as a tentative suggestion only, that in so doing he had an eye on attracting support for Anti-Romanism from non-Jewish circles and neutralist opinion both in Palestine and in other eastern mediterranean areas where there were to be found Jewish communities that impinged significantly upon the notice of the hellenistic environment, such as Adiabene.

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Singularities in the Massorah of the Leningrad codex (B 19a).

THE *Leningrad Codex* B19a¹ is the oldest extant dated manuscript of the *whole* of the Old Testament. This fact, coupled with the statement in the colophon that Samuel Ben Jacob 'wrote, vowel-pointed and massoretically-annotated' the codex מן הספרים המוגהים המבואר אשר עשה המלמד אהרן בן משה בן אשר נוחו בן עדן gives the codex special importance. The following remarks deal with a number of singularities in the *Massorah Parva* of the codex as it is printed by P. Kahle in *B.H.* In his preface to the *B.H.*, written in 1937 Kahle has the following to say about the *Massorah* of the codex: 'While the copyist of the MS. generally placed the *Masora* in the margin of the text with a high degree of accuracy, it nevertheless occasionally happens that a masoretic note is added in the margin for the wrong word. Thus we have corrected obvious mistakes. Furthermore, we are able to ascertain, on the basis of materials which are at our disposal to-day, that some masoretic notices occurring in the MS. are not entirely correct. In such a case we have placed the correct reading in the margin of the text and added the reading of MS. L in a note in the first part of the apparatus . . .'² Kahle then goes on to say: 'The publication of the *Masora* of ben Asher along with ben Asher's text will be seen to be a notable improvement by everyone who understands masoretic questions. With this, the form of the *Masora* which the greatest Masorete himself added in the margin of his Bible is published for the first time, in place of material compiled by Jacob ben Chayyim from heterogeneous sources'.⁴

Kahle's view of the value of the *Massorah* of L is challenged by A. Sperber in his Introduction to the *Codex Reuchlinianus*.⁵ After reiterating his own view that the *Massorah* originally had the form of massoretic lists, Sperber goes on to say the following: '... the very objection to the trustworthiness of Jacob ben Chaim's work, which prompted Kahle to set out in search for a more reliable Bible, namely the assertion that Jacob ben Chaim's work is a

¹ Hereinafter referred to as L. The letters *B.H.* stand for *Biblia Hebraica*.

² Cf. C. D. GINSBURG, *Introduction to the Massoretico-critical Edition of the Bible* (London, 1897), p. 245, n. 2.

³ *Prolegomena*, p. xxxii.

⁴ *Ibid.*

⁵ Copenhagen, 1956; p. xxii, col. 1.

compilation "verschiedenartigste Quellen", is true of other Bibles, too, including the Leningrad manuscript, which, according to Kahle, is the Bible written by Ben Asher himself.' '... the combination of a certain manuscript with a given Masoretic note'—continues Sperber—"is often due to mere chance and does not make them a unity at all."⁶

In fairness to Kahle it should be pointed out that Sperber wrongly attributes to him the view that L was written by Aaron Ben Asher himself. Obviously, what Kahle meant, accepting somewhat uncritically the statement in the colophon of L, was that the text of L and its *Massorah* faithfully reflect what the copyist found in *codices* prepared and annotated by Aaron Ben Asher. Leaving aside Sperber's theory that the *Massorah* was originally based on massoretic lists, the most cogent single argument in Sperber's *PRM* appears to us to be the fact that in a number of instances, which cannot be explained as scribal errors, the text of L contradicts its *Massorah*. In order to illustrate more fully this type of error than is done in *PRM* we adduce below in addition to Sperber's examples, some examples taken from the first part of the apparatus of *B.H.* and a few others which escaped the notice of Kahle and his co-workers altogether. It is true that numerically all these instances are but a fraction of the Massoretic notes of L, but they are significant enough to pose the following dilemma: If the discrepancy between certain massoretic notes in L and the textual readings to which the notes are ostensibly appended is derived from genuine *codices* of Aaron Ben Asher, then this famous Massorete could not have been as thorough in his work as is generally supposed; conversely, if he was thorough, then the *Massorah* of L, notwithstanding the testimony of the colophon, can hardly be the *Massorah* as recorded by Aaron Ben Asher himself. Despite the impression given by Kahle's preface that the errors in the *Massorah* of L are slight, one suspects that Kahle may have been struck by the force of the dilemma implicit in the *Massorah* of L when he proposed to replace the text and *Massorah* of L in *B.H.* by those of the *Aleppo Codex*.⁷

In *PRM* Sperber adduces the following examples of contradiction between the text of L and its *Massorah*—that is to say,

⁶ *Ibid.* col. 2 and see also *ibid.* paras. 36-7. Sperber first expressed his view in *Problems of the Masora* (= *PRM*), *HUCA*, XVII (1943), pp. 347-8.

⁷ Cf. *Prolegomena to B.H.* p. xxix.

where either the massoretic cross-references reflect a different textual type of the Hebrew Bible or the *Massorah* contradicts its own catchword:⁸

1. *Ps.* lxiv: 5 לירות has the note ב חד חס, but *ibid.* xi: 2 לירות has the note ב.

2. *Ezr.* ix 12 שלמם has the note ב חד חס but the identical form שלמם occurs in *Deut.* xxiii: 7.

3. 2 *Ki.* x: 5 נמליך has the note ל וחס, which is plainly against the text. This is also the case with the following notes:

4. *Jer.* ii: 17 מליכך - ל וחס.

5. *Esth.* ii: 3 ותמרוקיהן - ל וחס.

From the first part of the apparatus of *B.H.* we glean the following examples:

1. *Ruth.* i: 7 כלתיה - חד מל, but the same word identically spelt and pointed occurs in verse 8 with note ב.

2. *Eccl.* xi: 9 בחורותך - ל ומל, but *ibid.* xii: 1 בחורתיך has the note ב חד חס וחד מל

3. *Esth.* ix: 19 ומשלוח - ב וחס, but *ibid.* verse 22 ומשלוח has again the note ב וחס, both notes presupposing ומשלח.⁹

4. *Dan.* ii: 35 ומלת א - ל ויתיר א which presupposes a textual reading ומלאת.

5. *Ibid.* xi: 29 וכאחרנה has the note ב מל, which is against the text. This is also the case with the following five notes.

6. *Neh.* vii:37 ג חס - ואוני.

7. *Ibid.* vii:45 ג חס - שלום.

⁸ *PRM*, pp. 348-350. We find Sperber's other arguments, e.g. the inconsistencies in the terminology of the *Massorah* of L etc. less convincing.

⁹ Curiously enough, the note to משלוח (*sic*) in *Is.* xi: 14 has the correct enumeration ג מל.

8. *Ibid.* xi: 26 וּבְמִלְדָּה – ל' וחס.

9. *1 Chr.* ix: 5 ב' חס – כְּבוֹדָךְ.

10. *Ibid.* ix: 40 ל' וחדה מלה – וּמְרִי – בַעַל (*sic*).

There are cases where a letter is inserted or erased so as to make the textual readings agree with the massoretic notes.¹⁰ Thus in *Dan.* iii: 28 a *yodh* is inserted after the *mem* in גְּשְׁמִיָּהָן and the *Massorah* notes יִתְרִי. In *Neh.* i: 6 one finds the strange vocalization פְּתוּחוֹת which may be due to a misunderstanding of the note ל' מל' by a reader or reviser of L. In *1 Chr.* ii: 15 הַשְּׁבִיעִי is amended to יַעֲטוּהִי which agrees with the note ה' חס. In *Ezr.* vii: 14 in יַעֲטוּהִי the *waw* is erased and the resulting reading agrees with the note ל' וחס. In all these examples, except for the odd vocalization פְּתוּחוֹת, one can take the generous view that the copyist of L has inadvertently mis-spelled the words.

Although Kahle claims to have corrected errors which occur in the *Massorah Parva* of L, the first three erroneous notes adduced by Sperber appear to have escaped Kahle's notice. In the fourth of Sperber's examples מוֹלִיכָךְ in *Jer.* ii: 17, the erroneous note ל' וחס is left by Kahle without comment, in spite of the fact that the apparatus of *B.H.* gives the form מוֹלִיכָךְ from Jacob ben Ḥayyim's edition of Bomberg's Rabbinic Bible.¹¹ We would add the following examples, which we do not claim to be exhaustive, of erroneous massoretic notes unnoticed by Kahle and his co-workers:

1. 'Oklah we-'okhlah No. 92 lists twenty words which have the suffix כָּה (for הָ). Since the text on which this list is based is unknown, one has no means of determining whether or not the list registers *all* the instances which the compiler of 'Oklah we-'Oklah found in his text. Now in L the word יִמְצָאָכָה in *1 Ki.* xviii: 10 has

¹⁰ The examples of insertions and erasures are taken from the apparatus of *B.H.*

¹¹ It is rather surprising that in his *Addenda* to *The Cairo Geniza* (even the 2nd ed., 1959), Kahle has nothing to say about Sperber's views in *PRM*, although he discusses some books and articles published several years later than *PRM*.

the note **הי בסו תיבות** כ, **מלין כת** ¹² but L contains at least twenty other words which have the suffix **כה**. In two only of these forty instances in L does a massoretic note state that they belong to the twenty words which have the suffix **כה**.¹³ The principal note to **ימצאכה** in *I Ki.* xviii: 10 was thus either copied uncritically from some such list as that of *'Okhlah we-'Okhlah* No. 92, or from the *Massorah* of a codex which contained twenty instances only of the suffix **כה**.¹⁴

2. In *Ezek.* xl: 4 the word **הִרְאִיתֶכָּה**, which is also found (once) in the list of *'Okhlah we-'Okhlah*, has in L the note **ב**. This is misleading, since it suggests that the identical form occurs twice in the O.T. The other place, however, where the word occurs in L is *Ex.* ix: 16, where it is **הִרְאִיתָהּ** without a note. Clearly, L's massoretic note to the word in *Ezek.* xl: 4 should have been **ב חד מל וחד חס** while in *Ex.* ix: 16 one would expect the cross-reference **ב חד חס** **ב חד מל**—though such cross-references are not essential, and are not always found in the *Massorah* of L.¹⁵ In addition the **כה** suffix

¹² These are the following: **בְּאֶכָּה** 6 times (*Gen.* x: 19 (twice), *ibid.* x: 30, xiii: 10, xxv: 18; *I Ki.* xviii: 46—the note in three out of the six cases is **ו מל**). **לִכָּה**—3 times (*Gen.* xxvii: 37, 2 *Sam.* xviii: 22, *Is.* iii: 6—the note in each case being **ד מל**, but the fourth instance eludes the present writer), **אִכָּה** (*Gen.* iii: 9—the note: **ל ומל**), **וְאִבְרַכְכָּה** (*Gen.* xxvii: 7—the note **חס מל וחד חס**). In

'Okhlah we-'Okhlah 92 the word is given after the list with the note **וחד לבד** **וחד למסרתא** and is probably a marginal note of a reviser which later found its way into a copy of the text (Cf. S. Frensdorff, *Ochla w'Ochla*, *Nachweise und Bemerkungen*, p. 3). **אֶתְכָּה** (*Ex.* xxix: 35—note: **ל ומל**). **אֶכְכָּה** (2 *Sam.* ii: 22—

note: **ל**). **יִכְכָּה**—3 times (*Is.* x: 24; *Jer.* xl: 15; *Ps.* cxxi: 6—the correct enumeration z is given in a note to *Jer.* xl: 15). **יִכְכָּה**—4 times (*Deut.* xxviii: 22, 27, 28, 35—no note).

¹³ 2 *Sam.* xxii: 30 to **בְּכָה** and *I Ki.* xviii: 10 to **יִמְצָאכָה**.

¹⁴ Since Kahle uses occasionally the *Massorah Magna* of L to correct its *Massorah Parva* (e.g. *Deut.* xxxiv: 10), one must assume that the *Massorah Magna* of L contains nothing relevant to the massoretic note to **ימצאכה** in *I Ki.* xviii: 10. Cf. the remark 'and there are two other passages outside the *Massorah* etc.' in the *Massorah* of MS Oriental 4445 to *Lev.* xi: 21. (C. D. GINSBERG, *Introduction*, p. 428 and the Hebrew text of the note *ibid.* n 1).

¹⁵ E.g. In *Ps.* lxxxv: 5 the note to **כעסך** is **ב חד כת סך וחד שך** **כעסך**, but in *Job.* x: 17 the note to **כעסך** is **ד כת ש** which covers the four instances (*Job.* x: 17, v: 2, vi: 2, and xvii: 7) in which the word **כעס**, with or without a suffix, is written with **ש**, and does not embrace a cross-reference to the note to *Ps.* lxxxv: 5.

in *Ezek.* xl: 4 should have had the note ל מל to indicate that the word does not occur elsewhere in the O.T. with this suffix.

3. In *Gen.* xli: 33, *Job* xx: 17 and *1 Chr.* xii: 18 the word ירא is registered in the *Massorah Parva* of L as occurring five times (ה), but in *2 Chr.* xxiv: 22 the *Massorah* notes ד. At this stage one would be inclined to explain the enumeration ד as a scribal or even a printer's error, due to the omission of the left leg of the *hē*. In *Ex.* v: 21, however, the only instance in Jacob ben Ḥayyim's *Massorah* where ירא has the note ה, L still has the enumeration ה but the textual reading is ירא. If the note ד in *2 Chr.* xxiv: 22 is an error, ירא in *Ex.* v: 21 should be corrected to ירא. The difficulty with this, however, is that in *Ex.* v: 21 the *Niph'al* form appears to be even more appropriate to the context.¹⁶ One cannot rule out, therefore, the possibility of a conflation of two massoretic notes in L; one would go back to a text which contained ירא five times, while the other would go back to a text which contained the word four times only. That this possibility is not a remote one is suggested by the fact that not infrequently one only of several identical forms is registered in *Massorah Parva* as occurring a given number of times.¹⁷

We now turn to a number of suspect *Kethib-Qere* variants in L. These are as follows: *Pr.* xxiii: 6 תתאו – אי ק; *ibid.* xxiv: 1 תתאו – קרי תתאי; *1 Chr.* xi: 17 ויתאו ק – ויתאו; and *1 Sam.* xxi: 14 ויתו ק – ויתו. In all these cases the *qameṣ* is anomalous and, although Qimḥi supports the vocalization of the apocopated imperfect of אוה in the *Hithpa'el* with a *qameṣ*, the better reading is generally thought to be with a *pathah*.¹⁸ The fact that L has the forms ויצו, ויקו, coupled with the fact that in *Job* xv: 31 בשו has in L the *Qere* 'בשו',¹⁹ suggests that the *yodh-waw* of the above *Qere* variants

¹⁶ ירא יהוה עליכם וישפט.

¹⁷ For examples see n. 12 above.

¹⁸ GK § 75 bb.

¹⁹ Jacob Ben Ḥayyim's *Massorah* notes here חסר א, while many other Bibles have בשוא ק. But cf. ויתאו—note ל, without *Qere* in *Ps.* xlv: 12.

were probably intended as aids to correct reading, that is, to safeguard the ending *āw*. These *Qere* variants are, however, highly unusual in verbal forms. R. Gordis' *The Biblical Text in the Making*²⁰ contains a carefully drawn up list, based on the most important massoretic compilations, of 157 words in which the defective suffix *ר* has the *Qere* *רִי*²¹, but the *Qere* occurs as a suffix of nouns, prepositions and adverbs only, and never as the ending of a verbal form. If the above unusual *Qere* variants in L were found in genuine Ben Asher *codices*, it is surprising that hardly a trace of them survives in MSS of the ben Asher recension.²² The virtual absence of the *Qere* *רִי* in verbal forms gives rise to a suspicion that the *Massorah* of L, or of a codex from which it was copied, introduced a spurious *Qere* on analogy with the well-established *Qere* which occurs in Aaron ben Asher's recension in forms other than verbal. *רִי* would thus appear to be the conventional mediaeval *plene* spelling of *ר*.

Another strange *Kethib-Qere* variant in the *Massorah* of L is found in *Dan*. vii 10 where *רַבִּין קֵן בֶּן אֲשֶׁר* has the marginal note

The *Qere* itself is often found in Hebrew Bibles, but the explicit attribution of the *Qere* in L to ben Asher is highly suspect. The words *רַבִּין קֵן בֶּן אֲשֶׁר* accompanying the *Qere* cannot be the *ipsissima verba* of Aaron ben Asher, since a *Qere*, though sometimes given as the reading of a School,—for example, the Westerners, Easterners, Sura or Nehardea,—is not given in the name of an individual Massorete. Before proceeding to discuss the problem of the *Qere* to *Dan*. vii: 10 we feel justified in making two assumptions: (a) That the bulk of the *Massorah Parva* of L is written by the same hand, and (b) that the text of L and its *Massorah* were not revised according to some *codices* rightly or wrongly believed to be *ספרים מוגהים* by Aaron ben Asher, but were actually copied from such *codices*.²³ It would not be surprising, therefore, if a

²⁰ *A Study of the Kethib-Qere* (Philadelphia, 1937).

²¹ List 3a, 3b, 3c.

²² The *Qere* *ויתר* to *1 Sam*. xxi: 14 is given in BDB (*s.v.*) without indicating its source. This *Qere* is also mentioned in BAUER and LEANDER'S *Historische Grammatik der Hebräischen Sprache* (Halle, 1922) § 17z, where it is taken to be "an orthographic mistake for *ויתר*."

²³ F. PEREZ CASTRO in an article entitled "Corregido y correcto" in *Sefarad*, xv, 1955 concludes (p. 27) that the words *והוא מוגה באר היטב*, which follow our quotation from the colophon of L (see n. 2 above), clearly indicate that L is a manuscript "*corregido, correctum*". This, in CASTRO's opinion, explains the

reviser of some codex anterior to L, on noticing the absence of the *Qere* רבבן in the *Massorah Parva* of his codex, copied the *Qere* duly stressing its authoritative source by adding the words בן אשר. The copyist of L using such a *vorlage* might faithfully copy רבבן ק בן אשר, just as he has probably copied in the margin of L the two ben Naphtali readings²⁴ which obviously were intended to supplement a list of *hillufim* of ben Asher and ben Naphtali readings, but they can scarcely be attributed to Ben Asher himself.²⁵ At all events, the important consideration is that Aaron ben Asher is unlikely to have written ק בן אשר, although this consideration would not necessarily invalidate the possible ben Asher character of the text or texts from which L was copied.

A small number of inconsistencies in the *Massorah* of L which had escaped the notice of Kahle and his co-workers have been pointed out earlier in the present article. A thorough examination of the *Massorah* of L therefore seems desirable. Another unusual feature in the *Massorah* of L makes such an examination furthermore desirable, namely the strikingly uneven distribution of errors in the *Massorah* of L as it is reflected in the first part of the apparatus of *B.H.* Altogether the apparatus notes around 145 errors, both scribal and more serious ones.²⁶ Of these 47 are noted for the Pentateuch, *Joshua*, *Judges*, *1* and *2 Samuel* and *2 Kings*. Thereafter, with the exception of an error noted for *Ezek. iv: 19*, no errors are noted for *Isaiah*, *Jeremiah*, *Ezekiel*, the Minor Prophets,

considerable number of corrections in L which bring the readings of L into closer accord with the reading which Misha'el ben 'Uzzi'el gives in his *hillufim* as those of ben Asher. If CASTRO's view could be sustained it would indirectly support the present writer's view of the *Massorah* of L. Logically, however, it is difficult to see what high authority the copyist of L could claim for his alleged corrections, seeing that, according to the colophon, L was written, vowel-pointed and massoretically annotated 'from the revised etc. books' of Aaron ben Asher. It would be much simpler to assume that the corrections in L pointed out by CASTRO were the work of a reviser who had at his disposal relatively more correct texts of the ben Asher recension or a fairly extensive list of the *hillufim*. Cf. also, H. YALON's doubts about the ben Asher character of L incidentally expressed in *Kirjath Sepher*, xxx (1955) in an article entitled *Heb. 8° 2238 ירושלים כ"י פרשת שלח לך*, p. 261. Neither CASTRO nor YALON refer to the *Massorah* of L.

²⁴ *Is. xlv: 20* and *1 Chr. xii: 7*.

²⁵ Lists exhibiting the variations (*hillufim*) of ben Asher and ben Naphtali are occasionally supplemented by sundry remarks in the margin of biblical MSS (C. D. GINSBURG, *Introduction*, p. 245). Such remarks are, of course, not part of the *Massorah* proper; and it is not without significance that L does not carry a list of ben Asher and ben Naphtali *hillufim*.

²⁶ The present writer's count may be subject to a very small margin of error.

Psalms, Job and Proverbs. Although no error is noted for *Lamentations*, the rest of the Hagiographa shows a rise in the number of errors. Thus the first part of the apparatus of *B.H.* notes 14 errors only in the massoretic notes to *Ruth, Song of Songs, Ecclesiastes and Esther*; but *Daniel, Ezra, Nehemiah* and *1 and 2 Chronicles* account between them for 84 errors noted in the apparatus of *B.H.* The large gap, apparently supposed to be free of error, which extends from the beginning of *Isaiah* to the end of *Proverbs*, is striking, and it can hardly be explained as a random statistical result. If the number of Kahle's corrections in the first part of the apparatus of *B.H.* is even approximately correct, the uneven incidence of errors in the *Massorah* of L would seem to suggest that the massoretic notes of L ultimately derive from qualitatively different *Massoroth*.

Since no definitive *Massorah* of Aaron ben Asher is extant, unless it be the *Massorah* of the Aleppo Codex now being studied at the Hebrew University, the dilemma posed by the *Massorah* of L cannot be resolved. What can be claimed, however, on the basis of the foregoing remarks is that a strong *prima facie* case has been made out for the view, less tentatively expressed by Sperber, that the *Massorah Parva* of L is eclectic.

Manchester

ARIE RUBINSTEIN

The Local Jewish Community in the Light of the Cairo Geniza Records

To I. F. Baer
in respect and affection

(a) *Name and General Character*

THE mainstay of Judaism and the Jewish people was the local community, centering around one or two synagogues. It was called *The Holy Congregation*, a post-biblical equivalent of "a kingdom of priests and a holy nation" (*Ex. xix*: 6). This designation was in use during the whole of the Geniza period, from the time of the few Hebrew papyri preserved down to our latest papers written in the Arabic language, no difference being made in this respect between congregations in important cities such as Jerusalem, Old Cairo or Alexandria, and those found in the smaller towns of Palestine, Egypt, or Asia Minor. Occasionally high-sounding epithets, such as *The Assembly of God*, were employed. Often a congregation is simply referred to as "Israel", because the local cell represented the whole body of the community.¹

Bibliographical note

The manuscripts are quoted according to the localities and collections in which they are preserved, and the press-marks used for the latter. The following abbreviations should be noted.

TS: Taylor-Schechter Collection, preserved in the University Library, Cambridge, England.

UL Cambridge: Other collections of Geniza papers in the same library. Oxford: Bodleian Library, Oxford, MS. Heb.

ATaS: S. ASSAF, *Texts and Studies in Jewish History* (in Hebrew), Jerusalem, 1946.

MJ: JACOB MANN, *The Jews in Egypt and in Palestine under the Fatimid Caliphs*, Oxford, 1920-22.

MT: JACOB MANN, *Texts and Studies I*, Philadelphia, 1931.

India Book: A collection of Geniza documents relative to the India trade, in course of preparation by the present writer for publication.

Mediterranean Society (or *Medit. Soc.*): *A Mediterranean Society of the High Middle Ages, based on Records from the Cairo Geniza*, a volume in preparation by the present writer.

N: Geniza records connected with Nahray ben Nissim, a merchant, scholar, and public figure of Qayrawān, who emigrated to Egypt and Palestine and lived in those countries between 1048 and 1098. In preparation for publication by Mr. M. MICHAEL.

Readings: *Readings in Mediterranean Social History*, Selected Documents from the Cairo Geniza translated into English by S. D. GOITEIN (to be published shortly).

¹ For *ha-Qāhāl ha-Qādōsh* in a Hebrew papyrus see MJ I, p. 15, Note 4. For Jerusalem: Oxford a 3 (2873), f. 21, MJ II, p. 38; Old Cairo: TS NS J 39, TS 13 J 19, f. 15, MJ II, p. 198-9; Alexandria: UL Cambridge Or. 1080 J 34

There was a marked feeling that next to God, as revealed in His Law, it was the people itself which wielded the highest authority. The bearers of dignities regarded themselves as installed in their offices by both.² Elections would be made and statutes laid down by the community as a whole, and not by the leading notables only, although it was naturally the latter who took the main decisions. A man who considered himself wronged would appeal to "Israel", i.e. the local congregation assembled for prayer.³ Marriage contracts were regularly superscribed with good wishes for the congregation, in addition to those for the young couple, but strange as it may sound, they never contained any for the latter's families.⁴ We often find letters addressed to a community as a whole, while the spiritual and lay-leaders would be mentioned in the second place or in the introduction only. This would be done even when the community addressed included a great rabbinic authority and a *Nāgīd* (as in the case of a letter from the congregation of Palermo, Sicily, to that of al-Mahdiyya, Tunisia), or in statements of a purely legal character (as in a letter addressed in 1028 by the community in Tyre, Lebanon, to that in Aleppo, or one sent in 1034 from Old Cairo to al-Qayrawān). Such letters were written with utmost care in both style and script, and were preceded by long exordia praising the piety, learning, justice and charity in which a Jewish community was supposed to excel. As a rule, the various groups of which a congregation was composed were mentioned individually.⁵ Similarly an ecumenical or terri-

(addressed here as *qahal ha-Qōdesh*). Towns in Palestine: MJ II, p. 201 (Ascalon); S. ASSAF, *Gaonica*, Jerusalem, 1933, p. 93 (Tiberias). Townlets in Egypt: Oxford b 11 (2874), f. 9 (Šahrajt), TS 13 J 22, f. 15 (Qalyūb); *Hazofeh*, Budapest, 1921, p. 7, l. 9 ("all the small towns of the Rif"). Mastaura in Asia Minor: TS 16.251, l. 2, MJ II, p. 93, *Adath El*: TS 16.130. In Arabic, *al-jamā'a al-muqaddasa*, Maimonides, *Responsa*, ed. BLAU, p. 47. For *jamā'a*, exceptionally also *tā'ifa*, TS 13 J 23, f. 9 and also *milla*, TS 20.133, l. 20 (both referring to Alexandria), were used. In Spain, it seems, *jumla* was preferred, cf. *India book* 101, l. 8; 105, l. 18.

For the history and significance of the term cf. I. BAER, *Zion* 16 (1950), p. 9, 17 and 20-22.

² Examples in *Medit. Soc.*, Chapter v, Sections A1 and B2 (a).

³ Regarding this appeal to the congregation see *ibid.*, chapter vi, Section D2.

⁴ The oldest marriage contract bearing this sentiment for the congregation on its superscription so far noticed by me is dated 1080 (TS 16.330); the latest is of 1292 (TS 16.76). There are countless examples inbetween.

⁵ Palermo-Mahdiyya: TS 24.6, published by J. MANN, *JQR*, NS 9 (1918-9), p. 175-6; Tyre-Aleppo: Oxford a3 (2873), f. 37, published by S. A. WERTHEIMER,

torial authority, when instructing his representatives about specific matters such as help for a needy person, a legal case, or an appointment, would extend greetings to the community, often specifying the various groups and classes of people of which it consisted. Reading the Geniza letters side by side with the epistles in the second book of the *Maccabees*, the Talmud, or the New Testament, one has the impression of an old tradition handed down through the centuries (cf. e.g. Paul's *Epistle to the Philippians*, where the "saints in Christ" are addressed first and the bishops and deacons "together" with them). It is but the flowery style of the introductions, although invariably written in Hebrew, which might have been influenced by the Arabic predilection for exuberance.

Everyone, women and children not excluded, was regarded as belonging to the congregation. In accordance with the notions of delicacy prevailing in those days, women were rarely mentioned expressly but referred to in general terms such as "the rest of the people". However, even so late a *Nāgīd* as David II Maimonides (c. 1400) extended his greetings "to the whole congregation, both men and women".⁶

Local variations, as well as considerations of style, entailed differences in the series of groups described as forming a congregation and in the order in which they appear. The following list presents a cross section of the material preserved: 1. Judges and scholars in general. 2. The elders, usually meaning "the renowned elders", i.e. the acknowledged leaders of the community. 3. Other notables, normally persons bearing one or more honorific titles. 4. The cantors. 5. The *parnāsīm*, i.e. honorary or paid officials in charge of public welfare services. 6. The heads of the families (usually praised for their philanthropy). 7. Teachers and scribes. 8. The young men ("in the splendour of their appearance"). 9. The rest of the community, minor and adult (i.e. children and women). Sometimes important professional groups, such as government officials, physicians, or large scale merchants, would be mentioned separately.⁷

Ginzey Yerushalayim 3, Jerusalem 1902, p. 15-6; Old Cairo-Qayrawan: UL Cambridge Or 1080 J 6. To old Cairo: TS NS 92.

⁶ Oxford b 13, f. 44 (2834, no. 25), published by A. FREIMANN, *Judah Zlotnik Jubilee Vol.*, Jerusalem, 1950, p. 176.

⁷ Lists of groups composing a congregation occur e.g. in the first two sources quoted in the previous note and in TS 13 J 6, f. 6; TS Loan 206; TS

Although Jewish (and Muslim) law, unlike the Roman, did not recognize public bodies as legal personalities, the *qāhāl* or *jamā'a*, as the Jewish local community was called in Hebrew and Arabic respectively, does appear as such in our documents. Thus, an agreement with an official states that he would have no legal claims against the *jamā'a* should he fail to comply with any of the stipulations mentioned in the document.⁸ An ordinance regulating the pilgrimage to the highly revered synagogue of Dumūh declares that the holy congregation (of Old Cairo) has appointed a certain person "as its representative" in all matters affecting that ancient sanctuary.⁹ A lease of a building belonging to the great synagogue in Ramleh, Palestine, states that "the people of the synagogue" have leased the place and stipulated such and such conditions.¹⁰

It would seem, however, that the notion of any formal membership of the congregation was alien to the times. Consequently a statute was strictly speaking binding on those persons only who had either signed it or attended its solemn promulgation (performing a symbolic act of *qinyān*, or purchase, which validated also private transactions). At least, this was the legal opinion of Maimonides and his court, as preserved in the Geniza together with the statute to which it referred.¹¹ Documents are thus often issued not in the name of the community as such, but by the signatories in their capacity as witnesses either to the unanimous agreement of the whole congregation,¹² or to the fact that only those specified were in accord with the contents.¹³ When, during an emergency, a declaration of the *qāhāl* in a town lists eighteen contributors, but is signed only by seven, the latter clearly acted only as witnesses to a legal document.¹⁴

12.153, MJ II, p. 341; TS 16.251, l. 10, MJ II, p. 93. UL Cambridge Or 1030, J 211 (*India Book* 247). E. N. Adler 2804, f. 7. Also in the earlier documents discussed by I. BAER in *Zion*, 16 (1950), p. 20. Government officials and merchants in TS 13 J 14, f. 10, MJ II, p. 66 (written around 1015), physicians in the source given in note 6 (around 1400). Merchants also Or. 1080, J 211.

⁸ TS 20.104, l. 16.

⁹ TS 20.117, l. 35, ATaS p. 161: *wa'adhinat al-jamā'a al-muqaddasa . . . yanūb 'anhum fi murā'āt al-kanisa al-madhkūra*.

¹⁰ UL Cambridge Add. 3358, ATaS 28-9: *'anshē ha-kenēsāh*.

¹¹ Maimonides, *Responsa*, ed. J. BLAU, p. 518, and TS 13 J 25, f. 16, to be published by S. D. GOITEIN, *Tarbiz*, 32 (1963). See also the source quoted in Note 11 of that article.

¹² Vienna, Erzherzog Rainer 93, publ. D. H. BANETH, *Alexander Marx Jubilee Vol.*, Hebrew Section, New York, 1950, p. 88.

¹³ TS 13 J 7, f. 25 and the document published in MJ I, p. 222, Note 2.

¹⁴ TS 12.543 (Minyat Zifta 1265/6).

THE LOCAL JEWISH COMMUNITY

The financial obligations of the individual towards the community and the benefits derived by him from it need to be studied separately (cf. *Mediterranean Society*, Chapter v, section C). In this respect, too, the solidarity of the *qāhāl* was very real, but hardly a formal one. It was expressed in terms of religious injunctions, not of constitutional rights and duties. The law and the ethics of religion were complemented by local custom, which was reinforced by statutes having the form of testimonies bearing witness to its age-old and general acceptance. There were, however, situations which demanded outright legislation. We shall presently see what methods were adopted to meet this need.

(b) *Congregation versus Community*

In the preceding pages the terms 'congregation' and 'community' have been used indiscriminately, although we are accustomed to apply the former to a group centering around a house of worship and the latter to a larger body of people living in a town or a district. This ambiguity was unavoidable because the Hebrew and Arabic terms used in our sources comprise both meanings. In this they reflect a reality to be observed in the Geniza records during the eleventh through the thirteenth centuries.

In the period under discussion there existed in most larger towns two synagogues, a "Palestinian" and a "Babylonian" one. Originally, these congregations had been formed mainly by persons coming from the countries of the former Byzantine empire on the one hand and those from the lands of the Eastern caliphate on the other hand. By the time of the High Middle Ages, however, adherence to one or other of the two rites had become largely a matter of personal taste and decision, with the result that the two synagogues had to compete with each other for new members. The Geniza reveals to us in detail how this was done. The Iraqis, with their centuries-old experience of soliciting funds for their renowned seats of learning, induced the *Ge'ōnīm* of Bagdad to shower extravagant honorific titles on the many foreigners who flocked to the capital of Egypt from the four corners of the earth.¹⁵ The Palestinians followed suit, albeit reluctantly, but they also had other feathers in their cap. They boasted of having possession of the most precious Bible *codices* (some of which are still preserved

¹⁵ TS 13 J 26, f. 24, to be published by S. D. GOITEIN, *Eretz Israel* vii (1963), L. A. Mayer Memorial Volume.

in libraries), as well as magnificent Torah scrolls and beautiful sitting carpets. In addition, they pointed out that for various reasons their service was more attractive, in particular since their scripture readings were so much shorter than those of the Babylonians and were chanted by boys, so that parents who were eager to have their children participate actively in the service would certainly prefer the congregation of the Palestinians. On the other hand, the Babylonians tried to convey splendor to their service by entrusting the Scripture readings to expert cantors.¹⁶

By the end of the twelfth century, the Babylonian rite (that of the "Diaspora") had been accepted almost everywhere. When Maimonides secured an established position in Egypt, he tried, for the sake of unity, to abolish the peculiarities of the Palestinians altogether. He was, however, not successful, and at the time of his son and successor the specific customs of the Palestinian synagogue of Old Cairo were reconfirmed by a solemn pact.¹⁷

It is natural that such competition would lead sometimes to friction between the leaders of the respective congregations or even its members. "We, the two congregations (the text states: synagogues) have come together and united and made peace between ourselves" so runs an old, unfortunately much damaged fragment, which at least indicates that peace had not prevailed before.¹⁸ The rivalries between the community leaders, especially during the first half of the eleventh century, have been described by Jacob Mann in much detail.¹⁹ It is, however, most remarkable that as soon as the Geniza lifts the veil from their obscure history *the two congregations appear throughout as belonging to one local community*. This is expressed firstly in the astonishing fact that the public chest was common, almost in its entirety. As a rule, donations were made and fines stipulated or imposed for the benefit of the two synagogues in equal shares.²⁰ While objects such as books,

¹⁶ TS 18 J 24, f. 12 and Paris VII A17, cf. S. D. GOITEIN, *ibid.*, B. CHAPIRA, *Mélanges H. Derenbourg*, Paris, 1909, pp. 125-6.

¹⁷ Cf. MT I, p. 416, Note 3; MJ I, p. 222, Note 2.

¹⁸ A fragment in the E. N. Adler Collection, quoted in MT I, p. 455, Note 17, l. 6.

¹⁹ E.g. MJ I, pp. 118 ff. and 124 ff.

²⁰ Fines: e.g. TS 12.580, which belongs together with 13 J 1, f. 13 (dated 1057); TS 16.79, publ. I. ABRAHAMS, *JQR* 17 (1905), p. 426, cf. J. THICHER, *JJS* 1 (1948), pp. 156-8 (the date is not 751, but 1051). TS 12.129 (date not preserved) House given to the community: Oxford d 66 (2878), f. 88, and *infra*, Note 22.

Torah-scrolls, lamps, carpets and other precious textiles were donated to the individual synagogues, the far larger gifts destined for the social services (including the emoluments of community officials) were pooled together for the benefit of the local community as a whole. Many accounts show that current expenditure was made for the two synagogues together, often by one and the same official. Property dedicated to charitable purposes was described as forming a part of the *qōdesh* ("The Holy", see below), in Arabic *ahbās al-Yahūd*, both meaning "Jewish Pious Foundations".²¹ Even in a case directly affecting the individual synagogue buildings such as the renovations made after the demolitions under al-Hākim, a united appeal was made and the funds collected were distributed in equal shares.²²

This cooperation was not even confined absolutely to the rabbanite community. We read about a woman (most probably a Karaite, since she made her will before a Karaite *muqaddam*) bequeathing her house to the poor of the two denominations *ṭā'ifatayn*.²³ A public fast and united appeal, on which occasion Rabbanites and Karaites were expected to convene in a single house of worship, is referred to in one letter.²⁴

Moreover, although the Palestinian and Babylonian congregations each had their own chief judges and juridical courts, we see that in more important matters the two chief judges and their assessors sat on the same bench. Appointments of the puisne judges outside the capital were regularly made by the two chief judges in common. In particularly delicate cases, such as one concerned with a large inheritance, the chief Jewish judge of Cairo (which was still regarded as a suburb of Old Cairo) would also be asked to participate—and also to preside, if his rank at the *yeshivah* had been higher than that of his colleagues.²⁵ Even the beadles, who by the very nature of their task were attached to one building, had functions related to the community as a whole.²⁶

Finally, the two congregations would assemble in a synagogue or elsewhere to listen to a guest preacher or on some other special

²¹ Details in *Mediterranean Society*, Chapter v, Part c 3.

²² TS 18 J 2, f. 1 (referring to 1039 C.E.): "Due to the Palestinians as their right to one half". Cf. the article quoted in Note 15.

²³ Oxford f 56, f. 129 (2821, f. 40).

²⁴ TS 12.215, translated in *Readings*.

²⁵ See *Mediterranean Society*, Chapter vi, Section 3.

²⁶ Cf. *ibid.*, Chapter v, Section B2 (d).

occasion.²⁷ We read about such gatherings regarding various cities, and in some cases Karaites would also join in.

In view of this we shall not be surprised to find Geniza letters issued in the name of, or addressed to the community of Old Cairo or other cities, although these comprised more than one congregation. A noblewoman in distress simply writes to the *qāhāl* of Old Cairo.²⁸ The same expression is used in two documents with regard to Alexandria, which also harboured a Palestinian and a Babylonian congregation.²⁹ There survive letters sent jointly by the congregations of the Egyptian capital (one including also that of new Cairo), by those of Alexandria, of Ramleh, Palestine, and Tyre, Lebanon, and to those of al-Mahdiyya and Constantinople.³⁰ A statute promulgated by the *jamā'a* of the Rabbanites in Old Cairo is discussed on p. 144.

It is doubtful whether the replacement of the congregation by the local community is to be regarded as a sign of transition from a "hierocratic" to a democratic kind of public organization.³¹ As we shall see, the two elements, hierocratic and democratic, were present in both. The change is rather to be explained by specific historical circumstances. By the beginning of the eleventh century the conflict between the Palestinian and the Babylonian schools had lost most of its acrimony. The strife concerning the fixation of the calendar, which was as severe in the Synagogue as it had been in the Church, had died down. A son of a Palestinian *Ga'on* could now study under a *Ga'on* of Bagdad. The Palestinian authorities were quoting the writings of the Babylonian schools as frequently as their own, while graduates from the Babylonian *yeshivoth* living in Egypt were eager to acquire a diploma from Jerusalem also. Differences in ritual still gave occasion to bickerings, but these are recorded as exceptional cases.³²

²⁷ Guest preachers in Old Cairo and in Alexandria: *Medit. Soc.* Ch. iv (9), p. 50. Special occasion in Damascus, with Karaites attending, MJ II, p. 172.

²⁸ E. N. Adler 4020, f. 5, published by J. MANN in *HUCA* 3 (1926), p. 291-2.

²⁹ TS 13 J 33, f. 9, ll. 5-6, translated in *Readings*, and UL Cambridge Or 1080 J 34.

³⁰ MJ II, 201. Cf. also *ibid.* p. 198-9 and 203 (*qehillōth*). The same expression is used with regard to Tyre and Mahdiyya, see *Mediterranean Society* Ch. v B1 (a), Note 5. Alexandria: MT I, p. 368. MJ II, p. 91.344; Ramleh: TS 20.19. Constantinople: *JQR* 9 (1896-7), p. 32.

³¹ This seems to be the concept underlying I. BAER's admirable study mentioned above p. 134, Note 1.

³² As when a couple of Palestinian scholars left a Babylonian synagogue during the service when the cantor began to repeat the main prayer aloud

On the other hand, the century was fraught with emergencies calling for concerted action. It began with the demolition of the houses of worship under al-Ḥākim. There followed a long series of calamities which affected the country as a whole, while minority groups were, as usual, no less hard hit. The Muslim sources have much to tell us about civil war, famine, and the breakdown of public order, resulting even in the pillage of the Caliph's palaces. The lists of synagogue furnishings from this period suffice to testify that the houses of worship were not spared. In addition, we have direct testimonies to the same effect. "I am unable to describe how I and my friends were afflicted when we heard what happened to the synagogue of the Palestinians", writes a merchant from Alexandria to a business friend in Old Cairo around 1070.³³ Events outside Egypt equally required the utmost exertion for the common good. As a result of the invasions of the bedouin into Tunisia and of the Seljuks into Syria and Palestine, and later of the massacres perpetrated by the Crusaders in Europe and in the Holy Land, refugees were pouring in from all these countries, and the permanent necessity of ransoming prisoners of war, or of persons captured by pirates, presented a major challenge during most of the period. On the other hand, the newly created dignity of the *Nāgīd*, or Head of the Jews, also contributed much to the furthering of unity. As a matter of fact, the replacement of the congregation by the local community was nothing more than a return to the situation as it had been prior to the schism between "Easterners" and "Westerners". In Talmudic times, our sources know of no other communal organisation except that of "the sons of a town", i.e. of co-religionists living in one place.

(c) *Plenary Assembly and Representative Bodies*

Each community or congregation, large or small, was headed by an official, appointed or approved by a Jewish ecumenical or territorial authority and accredited in one way or another by the local governor or chief of police. (cf. *Mediterranean Society* Chapter V, sections A1 and B2). His authority, although backed by that of the state and the highest representatives of the Syna-

after it had been said by the congregation silently (according to the Palestinian ritual the prayer is said only once), TS 18 J 4, f. 12, ll. 18-24.

³³ Cf. the article quoted in note 15.

gogue, was by no means absolute. He needed the approval, confidence and cooperation of the people, otherwise he faced trouble and even dismissal. On his appointment the community vouched him their obedience, but it was never forgotten that he was its "servant".

A few examples may illustrate this blending of "hierocratic" and democratic elements in Jewish community life. One of the most prominent Jewish judges in Old Cairo during the twelfth century, when reappointed by a new *Nāgīd*, described his situation to a colleague in Damascus as follows: "By the grace of God, the holy congregations love me and are pleased with my service and show me great favour. Praise be to the Almighty who let me find favour in their eyes so that they put me into office. My *Nāgīd* also likes me and bestows favours on me". Clearly, acceptance by the community was no less vital to this correspondent than the approval of the *Nāgīd*.³⁴

In reply to a complaint by the Palestinian congregation of Alexandria about their chief judge, whose father and grandfather had preceded him in his office, a *Gā'ōn* of Jerusalem emphasises that he would by no means force them to retain him: "He is your son and it is from you that he derives his livelihood".³⁵ This letter (which was written in Arabic) is the more remarkable in that it was followed by another letter in Hebrew, where in the *Ga'on* reiterates that while the *yeshivah* would never appoint any one against the will of the congregation, nevertheless to the best of his knowledge the disputed official had the confidence of the majority, which regarded him as a better scholar even than his father (who was then still alive and had recommended him).³⁶ In point of fact the judge retained his office for decades after his father's death, albeit not without opposition.

Once, when the synagogue building in Hebron, Palestine, had to be replaced by another (perhaps because an earthquake had made it unsafe) the executive had to report the following: "As soon as that piece of land had been bought, all agreed to pull the synagogue down and to erect a new one. On Sabbath, when all were assembled, I said to them: Do not say that the demolition

³⁴ TS 13 J 9, f. 6, MJ I, p. 224, Note 1 (Samuel b. Nathan writing in 1142).

³⁵ TS 13 J 14, f. 16 (Solomon b. Judah, referring to Yeshū'ā he-hāver b. Joseph).

³⁶ TS 12.328, MJ II, 345 (written by Solomon b. Judah, not his predecessor).

of this place is being done on the order of one man. It is being done on the order of all of you. Then all said: Yes, we have decided on this unanimously. On the next morning, they began with the work of demolition and building".³⁷

References to such plenary deliberations of the community occur not only when matters of major importance, such as the one just mentioned, were up for decision. They were common even with regard to cases of civil law involving a few persons only. The custom mentioned above of addressing letters dealing with such cases to the community as a whole was not a mere matter of courtesy. They were actually read out in public, as we learn both from requests made to the effect and from reports that it had in fact been done.³⁸ It is also characteristic that sometimes letters were thus divulged which, by their very nature, were confidential (as e.g. the opinion of a higher authority about a community servant), or, conversely, were kept back from the assembly against its will.³⁹

We have to keep in mind that in those days the population of a town was comparatively small, and the local Jewish communities were even more limited in size. The full participation of all members in the discussion of public affairs did not present any technical difficulties, but, on the contrary, was natural. Since every one attended service at least on Saturday, and mostly during the week as well, especially on Mondays and Thursdays, it was almost impossible not to bring before the congregation matters which were in any way regarded as being of public concern.

It seems, however, that the simple procedure of taking votes, although suggested by a biblical injunction and actually in use in early talmudic times, was unknown during the Geniza period. Decisions were made in such a way that a subject was first discussed in public and then a statement was drawn up in writing and read out to the plenary assembly.⁴⁰ If the consent was unanimous, this was either expressly stated or the document was simply made out in the name of the community. Thus, the statute to be discussed below opens with the following words: "Text of the statute adopted by the community of the Rabbanites living in

³⁷ TS Arabic Box 18 (2), f. 4, ATaS, p. 46.

³⁸ TS 12.371, verso l. 10. Oxford b 11, f. 9.

³⁹ Oxford d 66 (2878), f. 29, l. 7. TS 16.149, end.

⁴⁰ TS 20.104, ll. 33-34.

Old Cairo". Disagreement was indicated by specifying those adhering to a resolution, cf. p. 136. Sometimes it led to communal strife, and occasionally even to secession.

Even the finances of the community were not left entirely to the discretion of the representatives and officials dealing with them. As we learn from one document, the accounts were displayed in the synagogue for the duration of four months and everyone was not only allowed, but obliged to bring any objection he had before the Court. This procedure explains why numerous accounts of public revenue and expenditure found in the Geniza are written in large calligraphic characters.

All the same, the regular business of a community could not be transacted by a crowd, small though it might be. It was entrusted to a board of "elders". This important institution, which is referred to in hundreds of Geniza records, already appears in a Hebrew papyrus where the head of the synagogue, the elders of the synagogue and the holy congregation are mentioned side by side.⁴¹ The duties of the elders are well defined in the statute just alluded to, in which it was resolved that a board of ten elders should assist Ephraim b. Shemaryah, head of the community in Old Cairo, as follows: (a) sit with him as judges of the Court; (b) share with him the burden of all the needs of the community; (c) support him in the enforcement of the religious duties; (d) help him protect public morality; (e) deal appropriately with those who live in a way disapproved by religion; (f) consider the letters addressed by the heads of the academy to the community and answer them after deliberation in the general assembly (dated, apparently, 1044).⁴²

The number ten has some significance in Jewish law, as a minimum of ten adult males was required for a service to be regarded as public. We find nine elders signing a declaration "in the presence" of the afore-mentioned Ephraim in August 1038, and ten signing a legal deed together with another head of a congregation in Old Cairo in 1034. As late as 1208 a statute is signed by ten. The small congregation in the townlet of Qalyūb was represented by the same number (1195).⁴³ A list of ten prominent persons found on a slip of paper clearly contains the names of

⁴¹ MJ I, p. 15, Note 4.

⁴² TS 13 J 30, f. 5. Translated below p. 155 ff.

⁴³ 1038 C.E.; Vienna, Erzherzog Rainer 160; 1034: UL Cambridge Or 1080 J 6; 1208: TS 13 J 3, f. 20; 1195: cf. above p. 136, Note 12.

candidates proposed at one time for a board of elders.⁴⁴ In 1237 the government expected ten notables to represent the Jewish community on the occasion of the installation of a new *Nāgīd*.

We should not expect, however, that this number was adhered to everywhere and at all times. In the second decade of the eleventh century the afore-mentioned Ephraim headed a board of seven, and an important statute is signed in 1205 by the same number. "The seven best men of the town" was the standing designation for a municipal or congregational council in talmudical and later Hebrew literature, and this might have had some influence on the composition of the boards just referred to. After the death of their chief rabbi and before the election of another the two Jewish congregations of Alexandria were lead by a committee of three, headed by one bearing the title *muqaddam*. Three is the number of judges required by a Jewish court and suggested itself as a minimum for a communal committee during a period of transition. In normal times no such restrictions were made.⁴⁵ We have a letter of an eleventh century *Gā'ōn* of Jerusalem in which he appoints, or approves the election of sixteen elders, each mentioned by name (the list includes groups of three and two brothers respectively). Their duty was to assist the executive as judges and "in all matters of Israel" and to strengthen his hand in every worthy cause.⁴⁶ The letters issued in the name of local communities bear signatures in greatly varying numbers, amounting to fifteen in Ghaza, Palestine, and over twenty in Palermo, Sicily.⁴⁷ Clearly, any one of consequence who was prepared to exert himself for the public good could become an elder—provided that he had the necessary following.

In the preceding we have read of formal elections and appointments of elders. Other records speak of the same procedure. The representatives were chosen both by the plenary assembly and the appointed local or district executive, and then confirmed by a *Gā'ōn* or *Nāgīd*.⁴⁸ Here, too, we are certainly right in assuming

⁴⁴ TS 10 K 20, f. 2 cf. also Appendix to Medit. Soc. V, Section C, no. 11a.

⁴⁵ Seven: TS 20.104 and 16.187, the latter published in *Goldziher Memorial Volume II* (Jerusalem, 1958): p. 51-2. cf. also TS 10 J 5, f. 11, MJ II, p. 97. Three: TS 13 J 21, f. 30, l. 11-12, published by J. BRASLAVSKY, *Eretz Israel* 3 (1954), p. 208,

⁴⁶ TS 12.239.

⁴⁷ Ghaza: ATaS, p. 36. Palermo: *supra*, p. 134, Note 5.

⁴⁸ Cf. TS 20.96, ll. 26-7: *wa-aqām al-hāyēr wal-jamā'a farānisa* (from Hebr. *parnas*). See also *Medit. Soc.*, Ch. v, A 1, Note 32.

that no fixed and general rule was observed. Most likely, the ecumenical or territorial authority intervened only when communal strife made a decision from above imperative. In most cases, the bestowal of an honorific title on an elder was sufficient proof of the *Gā'ōn's* approval.

In their capacity as representatives of the community the elders issued letters, signed contracts, made appointments and promulgated statutes.⁴⁹ They did this either alone or (mostly) in conjunction with the *muqaddam*, or appointed executive, sometimes also appearing together with the community as a whole.⁵⁰ Their most important fields of activity were the social services and the judiciary, many of them serving as *parnāsīm*, or social service officers, or as assistant judges. Special prayers were said for their well-being on the High Holidays, as was done for the ecumenical Jewish authorities. When the list of eulogised elders contained names not favoured by the community, the latter would not fail to express its dissatisfaction.⁵¹

We have to note a distinction between these elders, who were honorary officials and were designated by the Hebrew term *zāqēn* ("an old man", cf. Greek *presbyter*), and the notables or "noted elders", Arabic *al-shuyūkh al-mash-hūrīn*.⁵² The latter formed the upper crust of the Jewish (and Muslim or Christian) middle class, and were the actual leaders who most probably had the first word in selecting community officials and in all other decisions affecting the community.⁵³ Nevertheless, not every one belonging to this class acted as a *zāqēn*, while the official elders, it seems, were not always rich or influential.

At the very top of the Jewish society there were, besides the *Nāgīd* and the chief judges, persons who on many occasions acted *de facto* as representatives of the community with the central or local governments. Since persons of this type did not derive their honoured position from the community and mostly held no office in it, a description of their activities belongs to the study of the

⁴⁹ E.g. TS 8 J 4, f. 9d (dated 1099); NS J 296 (1159), both published by GOITEIN, *Eretz Israel* vii, 1963; TS 16.122 (Ascalon 1134-45; twelve entries); ATaS, pp. 28 and 158.

⁵⁰ The elders and the *jamā'a* e.g. in TS 13 J 35, f. 3.

⁵¹ E. N. Adler 2736 (Eli the *Parnas*): report from a provincial town.

⁵² TS 16.272, v. 1. 2 (Alexandria). 16.179, l. 51 (al-Mahdiyya; translated in *Readings*).

⁵³ TS Box K 25, f. 244: *wa-mā kān ray al-ru'asā an yuqaddimū illa 'l-rāv*, "The leaders wanted to appoint the *Rav* as *muqaddam*".

relations between the government and the people rather than to that of Jewish community life.

(d) *Age Groups, Social Classes and Factions*

The words for "old man" or "elder", in addition to the two meanings just discussed, had (both in Arabic and Hebrew) a third and rather general sense, namely that of respectable person. Thus one would speak of the *elder* Ḥasan, Mr. Japheth, the *young man* (Japheth was regarded as the Hebrew equivalent of Ḥasan, both meaning *handsome*); or a person would be characterized as "the elder, the young man" (*al-shaykh ha-baḥūr*).⁵⁴ Similarly, the term "the young men", *baḥūrīm* in Hebrew and *ṣibyān* in Arabic, designated both an age group and a social class, although it was more frequently used in the former sense. One should beware of assigning too low an estimate to the top limit of the "age group" thus referred to. A young merchant, who had travelled to both Sicily and India, or a silk worker, who had been married twice, still could belong to the *ṣibyān*.⁵⁵ We have already seen that in letters to a community greetings would be extended to the young men as a separate group.⁵⁶ As such they were active in community life. When a congregation in Old Cairo was once divided in opinion with regard to a guest cantor from Ramleh, Palestine, whom the elders of that city had banned, the youth supported him, "and to make things worse, many sided with the *baḥūrīm*, for this generation is very corrupt, as it is written: *The lad will behave insolently against the aged* (Isaiah iii: 5)".⁵⁷ According to another report from Old Cairo, the *shubbān yisrā'ēl*, the youth, were enticed by a guest preacher, who expounded the Holy Scriptures in the way of mystical allegory, "which should not be listened to, let alone be believed".⁵⁸ A person in Ghaza, Palestine, had complained that the local leader had incited *ṣibyān al-yahūd*, "the boys of the congregation", against him, a charge mentioned, but strongly denied, in the letter.⁵⁹ On the other hand, troubles with

⁵⁴ Abraham Maimonides, Responsa, Jerusalem 1937, p. 163-4. Philadelphia, Dropsie College 344, l. 6. Mosseri Collection A 111 (1220 C.E.).

⁵⁵ TS 13 J 28, f. 15 (*India book* 281), l. 9, twice married: TS 24.34.

⁵⁶ Cf. especially TS Loan 206: *ha-baḥūrīm behōd ma'amādām*.

⁵⁷ *Mittheilungen aus der Sammlung Erzherzog Rainer* v, Vienna 1892, p. 129, l. 22. The Gā'ōn referred to is the famous Solomon b. Judah of Jerusalem.

A. Mez, *Die Renaissance des Islams*, p. 33, is to be corrected accordingly.

⁵⁸ TS 13 J 37, f. 3; *shubbān* has so far been found here only.

⁵⁹ TS 18 J 2, f. 8, l. 2.

the *ṣibyān* "who take delight in things which the Creator dislikes" are reported to his *Nāgīd* by a judge from an Egyptian town.⁶⁰ A petition, signed by twenty-six and opposed by seven, with three absentees, emphasises that respectable elders only, *rijāl shuyūkh*, no youth, *ṣabī*, were among the signatories. Owing to the fragmentary state of the manuscript, the nature of the dissension which gave rise to the petition cannot be ascertained.⁶¹ Thus we see that the conflict between "elders" and young men in medieval Muslim society, which has begun to be revealed by recent research, had its counterpart within the Jewish community.⁶²

In other Geniza letters, the group revolting against the elders clearly constitutes a social class. A judge from Alexandria reports around 1180 that a notable had accused him before Muslim authorities of having organized dyers, oyster gatherers and other "poor stuff", named them his helpers (*anṣār*) and made them rule over the elders. Against this, the writer claims that he had always tried to cooperate with "the noted elders", or "the great" as he also calls them, using a Hebrew expression. The people opposed to the elders he designates as "the public", "the community (*al-jamā'a*)" or simply "the Jews".⁶³ The Jewish oyster gatherers of Alexandria are described in a Geniza letter as people of low standing (drinking beer in Crusaders' taverns in Acre). In later, Mamluk, times the Muslim fisher-folk of Alexandria, when severely oppressed, took the law into their own hands and lynched the governor of the city and his deputy;⁶⁴ here, the Jewish oystermen appear together with the dyers as revolting against their own notables. In another long letter from Alexandria describing communal strife (unfortunately only the right half is preserved), cobblers are mentioned as one group belonging to the dissatisfied. In a similar letter from Old Cairo potters are the representatives of the lower class whom a demagogue could easily bribe.⁶⁵

In a particularly interesting but much damaged letter, a Cairene notable describes the unsatisfactory situation in Alexandria

⁶⁰ Westminster College, Cambridge, Fragment, Cair. Misc. 51b.

⁶¹ TS 16.186.

⁶² Cf. *Medit. Soc.* Ch. v A, p. 4 and Note 2.

⁶³ TS 16.272, ll. 20.23-5.27.35. Margin and verso 20-1. "Poor stuff", *safāsif*, is not known to me from another source as a designation for people of low social standing.

⁶⁴ S. LANE-POOL, *Egypt in the Middle Ages*, p. 327.

⁶⁵ Cobblers: TS 20.170, l. 13. Potters: TS K25, f. 244, verso l. 33.

to his brother, who happened to be the Jewish chief justice in the capital. Again, the local *muqaddam* is accused of being too lenient with the common people. He would use his influence with the local government in order to get them freed when they were put into prison after a brawl, and would not even have them fined. "On Monday", he continues, "there arrived people who were reported to have brought with them a letter from the Prince of Princes (the *Nāgīd* Mevōrākh, c. 1100). They assembled in crowds everywhere, exhibited the letter . . . and cried it out in the markets and in the houses. This was too much for me. I went to the chief of the police and demanded from him that the letter should be treated according to the established custom . . ., namely to be read out in the synagogue, so that the high orders contained in it could be obeyed. Divulging it in the markets and in the open places should be stopped. Even if this were a public letter (and not one addressed to certain persons), it should have been treated in this way. When my lord Fakhr al-Mulk—may God make his victories glorious—(the governor of Alexandria), receives a letter from his highness (the *Nāgīd*), he kisses it and puts it on his eyes, but the Jews drag it from one place to another".⁶⁶ It may be remarked in passing that a very effective letter from the *Nāgīd* Mevōrākh to the Amir of Alexandria is mentioned in another Geniza paper.⁶⁷ In any case we see that this notable uses the word "Jews" in the meaning of the common as opposed to the "better" people, when he wishes to emphasise that low-class Jews treated a letter from the highest Jewish authority with less respect than did the Muslim Amir. This usage will remind the reader of Muslim literature of Arabic authors who speak contemptuously of "Arabs", meaning the bedouin and their like, or of Ottoman Turkish writers who deride "Turks", meaning thereby Anatolian peasants.⁶⁸

The conflicts between age groups and social classes figure in the Geniza records less than those between the various factions in the higher ranks of the society. The appointed executive, as has been shown above, needed the approval and cooperation of the community. Since it is always difficult to please everyone the *muqaddam* had to secure for himself a following amongst those favouring him

⁶⁶ TS NS J 24. "They exhibited the letter" is a tentative translation of *yimandilū*, cf. modern Egypt. *mandal*, magic divination.

⁶⁷ TS 20.177, l. 6.

⁶⁸ Cf. BERNARD LEWIS, *Islamic Studies* I, Karachi 1962, p. 85.

or connected with him by family or other ties. This in its turn would arouse misgivings with those who did not belong to the privileged group. Moreover, even in a small town, there would often be found a scholar equalling the appointed community leader in learning and religious authority or even outshining him. If it were the case that he also possessed enough ambition and stamina there would soon rally around him a faction demanding his appointment, and communal strife would become inevitable.

Local dissensions were often intertwined with contests for ecumenical or territorial leadership. Rival *Gā'ōns* or *Nāgids* would seek followers and supporters in each and every town and congregation. This was an excellent opportunity for would-be local leaders and for troublemakers to try their fortune. Moreover, natural factions were formed by persons hailing from the same town or country who had settled in foreign parts. Thanks to the great mobility of Mediterranean society in the High Middle Ages, this was an extremely common phenomenon.

Modern Jewish scholars who have dealt with these "dissensions" have been somewhat uneasy and unhappy about them. We ought, however, rather think of them as party politics inherent in any essentially democratic society. The modern Arabic word for political party, *ḥizb*, is already used in the Geniza records to designate a faction, and the verb derived from it means "organizing, or forming a party".⁶⁹ The term '*aṣabiyya*, *esprit de corps*, *dedicated following*, the central idea of Ibn Khaldun's philosophy of history (written in 1377), appears in our paper in the same sense. The following passage, written by the brother of the Davidite Daniel b. Azariah, who had obtained the gaonate of Jerusalem after much strife in 1051, is characteristic: "You mentioned that a settlement was reached between 'Allūn (the *ḥāvēr* who was head of the Palestinians in Old Cairo) and my brother, the *Rayyis*. I was happy about this, not for the afore mentioned, the *ḥāvēr*, but for my brother, because by fighting against him, he ('Allūn) attains publicity (the text says: "a market") and creates for himself a following (*aṣabiyya*)".⁷⁰ Just as in modern election campaigns politicians hurl the most vitriolic invective against each other without taking this too much to heart after the electorate

⁶⁹ TS 18 J 4, f. 12, l. 42. The verb in TS 8 J 41, f. 11, l. 9 and verso v. 2, published by S. D. GOITEIN, *Eretz Israel* vi (Jerusalem, 1960), p. 165.

⁷⁰ TS 13 J 26, f. 18, l. 5.

have made their decision, so in the Geniza records at the time of dissension, *maḥlōqeth*, the language used is rather strong, but as soon as peace, *shālōm*, is restored, the same persons become extremely polite and deferential to each other. (The two terms for these antonyms are always Hebrew, perhaps because the phenomenon described is timeless, or at least pre-Islamic). The afore mentioned *Rayyis*, or “Head”, was nicknamed “The Tail” in letters going “to all countries, East and West”, but the same Mr. ‘Allūn (referred to as his adversary) addresses him, after he had become *Gā’ōn*, in the most glowing terms of reverence.⁷¹

Since every one of consequence seems to have known everyone else, at least in the countries stretching from Tunisia to Palestine, interest in these communal dissensions was ubiquitous. We learn about them almost exclusively from letters going from one country or town to another. Hearty congratulations were extended when peace was restored, sometimes mixed with the somewhat sceptical hope that it may last.⁷² Even more frequent are admonitions to put an end to a situation unworthy of members of the academy (which most communal leaders were); for “bickering among scholars are the delight of the common people”.⁷³

Where it was impossible to restore peace, the democratic right of secession was invoked. The dissatisfied party would withdraw from communal life and refrain from “going down” to synagogue. This happened both in large cities and in small towns. While the secessionists could easily satisfy their religious needs by forming a congregation of themselves, the local community would be seriously affected by their withdrawal. For its financial means, especially funds for charitable purposes, were largely obtained through donations given and vows made in the course of the service. The failure of a considerable part of the community to appear at the service might upset the whole budget. Consequently in particularly grave cases strong measures, up to excommunication, were taken.⁷⁴ It seems, however, that no secessionist group

⁷¹ The Tail: TS 12.365, l. 5. Letter of ‘Allūn: TS 20.152 (Eli b. Amram).

⁷² E. N. Adler, uncatalogued 112. TS 12.58. TS 18 J 2, f. 6 (all addressed to Old Cairo).

⁷³ Oxford c13, f. 23 (2807, no. 18), l. 11, published by POZNANSKI, *REJ* 48 (1904), p. 172-3.

⁷⁴ TS K 25, f. 244 (Old Cairo). TS 8 J 41, f. 11 and 18 J 2, f. 3 (both referring to Ascalon). UL Cambridge 1081 J 18 (presumably Hebron, Palestine). TS 24.38 (Minyat Zifta, Egypt). Excommunication threatened: TS 16.187, published by S. D. GOITEIN, *Goldziher Mem. Vol. ii*, Jerusalem 1958, pp. 52-3.

could maintain a separate house of worship permanently except when permitted to do so by a higher authority.⁷⁵ As far as our knowledge goes, no new congregations of permanent duration were founded during the Geniza period.

(e) *Statutes and Economic Measures*

The idea of legislation was foreign to the Jewish society of the period. Laws were given by God, and any new problem requiring legislative measures was liable to be solved by the scholars in charge of the interpretation of the sacred law. Questions regarding communal life were submitted to the *Gā'ōns* and rabbis for decision just as were those regarding ritual or civil cases. Nevertheless Jewish law itself, as it had developed during Hellenistic and Roman times, made provisions for the creation of statutes, *taqqānōth*, either "by the scholars", or "by the many", the latter being styled "the one which is irrevocable" and "given with the consent of God"—formulas which are found also in a *taqqānāh* preserved in the Geniza. The idea behind such expressions is that the agreement of men represented the will of God (*vox populi vox dei*), or, as the Muslim lawyers formulated it later in a saying ascribed to their Prophet, "My community will never be unanimous in the disobedience to God".

Such enactments must have been comparatively common, since even an Arabic verb *taqqan*, to make a *taqqānāh*, was derived from the Hebrew term.⁷⁶ Quite characteristically, no Arabic word is found in our sources for the idea of statute, certainly because the idea itself was foreign to Muslim society of those days. Like other documents which were regarded as being of permanent value, statutes were not normally disposed of in the Geniza, and therefore few only have survived there. Still, the material in hand gives some idea of the character and scope of communal legislation.

We have already noted the statute of 1044, which defined the duties of ten elders elected to assist the judge of the Rabbanite community of Old Cairo. In a similar statute of July, 1028, the same community renewed its allegiance to the leader who had been appointed and reappointed by several *Gā'ōns* years before. A still earlier *taqqānāh* regulated the supervision of two slaughter-houses

⁷⁵ TS 10 J 28, f. 2: *aṣḥāb yūsuf yuṭlaq lahum al-ṣalāt ayna mā shā'ū*.

⁷⁶ TS 20.117, l. 5-7, ATaS, p. 160.

and the distribution of the revenue derived from them.⁷⁷ Around 1180, a community in a provincial town of Egypt opposed by *taqqānāh* the attempt of the imposter Zuṭṭā to levy a yearly contribution from their local judge against the renewal of his appointment. In the same document they resolved also not to accept any other judge sent to them by that *Nāgīd*. A statute, issued on May 19, 1208, is so fragmentary that we are only able to discern that it dealt with the relationships with the Muslim authorities. We are informed, too, regarding statutes resolved upon by the Jewish community of Alexandria not to appoint as judge in that city a scholar from France or Byzantium, or at least no one who was not fluent in Arabic.⁷⁸

Some statutes took the form of the pronouncement of a ban on any one not complying with their provisions. Thus we have a large fragment of regulations with regard to the tenants of houses belonging to the communal chest. Another one imposes a ban on men and women dying silk materials in their homes and thus depriving the *dāmin*, who had farmed out the taxes due from that industry, of his legal income.⁷⁹

In general, economic measures were a major concern of the community. The Talmud already discusses the problem of how far foreigners were obliged to share the financial burden of the local people. In the Geniza papers, it seems, this relates mainly to the obligation to contribute to the *jāliya*, or poll tax, incumbent on indigent persons. Since the foreigners had already paid at home (otherwise they would not have been allowed to travel), it was reasonable not to trouble them with the local *jāliya* at all. Nevertheless the Jewish population of the main port of Egypt, Alexandria (as also, it seems, the Muslim) comprised many poor. Attempts were therefore made to have the foreigners share the burden. A letter from one Sicilian merchant to another regrets that the addressee was squeezed dry, although "foreigners normally pay nothing or little". Another, very long letter from Alexandria written by a *Maghribi* is entirely devoted to this matter but unfortunately it is not clear to us in its entirety. A delegation

⁷⁷ 1044: TS 13 J 30, f. 5, cf. *supra*, p. 144. 1028: 13 J 7, f. 25, cf. p. 26. Slaughter-houses: TS 20.104. The first document contains the verb *taqqan* in its first sentence. Cf. the Appendix.

⁷⁸ Al-Maḥalla: TS 13 J 25, f. 16, *supra*, p. 143. 1208 C.E.: 13 J 3, f. 20. For Alexandria: see *Medit. Soc. I* (a).

⁷⁹ Tenants: 13 J 21, f. 31. Silk-dyers: TS Box 8, f. 18.

of thirty-five foreigners, headed by the writer, had approached the *cadi* and made a certain contribution in order to avoid further molestation. When this was repeated the local community took fresh measures. They reduced payments scheduled to be paid by the foreigners to one half, with a view to forcing them to contribute.⁸⁰

Another question was the protection of the inhabitants from economic competition by newcomers. We discuss elsewhere the steps taken in the interest of local craftsmen against the competition of aliens.⁸¹ A letter from the judge of a small town in Lower Egypt vividly illustrates similar efforts with regard to commercial rivalry. An outsider from Cairo had opened a store of medical potions together with two partners, thereby doing harm to "the Jews", i.e. the local community (as is emphasised in the letter four times, although it seems that it was mainly the judge's own son who was affected). The local community was obviously unable to tackle the situation, particularly since a son of its leader was involved. The latter reports that he approached the chief of police, the *cadi* and the "elders" (meaning probably the Muslim notables) and now asks two prominent men in Cairo to take up the matter directly with the person concerned.⁸² When around 1064 a rich man from Sfax, Tunisia, settled in Mazara, Sicily, bought himself a house there for three hundred dinars, and sent for his wife to join him (definite proof that he intended to stay in the island), the local Jews, who dreaded his competition, informed the Norman ruler of the arrival of the undesirable newcomer.⁸³

In spite of this, nothing has been found so far in the Geniza material comparable to an institution which developed among European Jews and is rightly explained by the students of history as fitting into the general structure of feudal society: the so-called *herem ha-Yishūv*, the denial of admission to any newcomer except by special permission.⁸⁴ It is not only the silence of the Geniza records in this respect which is instructive. We have a very interesting letter which indicates that the institution as such was

⁸⁰ Aliens from Sicily: TS 12.371, ll. 19-21; from Tunisia: 13 J 23, f. 3 (N 71).

⁸¹ See *Medit. Soc.*, Ch. ii, Section 2.

⁸² TS 18 J 4, f. 19, by Abraham b. Shabbethay of Minyat Zifta.

⁸³ Philadelphia, Dropsie College 389, verso, ll. 36-44.

⁸⁴ L. FINKELSTEIN, *Jewish Self-Government in the Middle Ages*, New York 1924, p. 10-15.

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foreign to the Mediterranean world. In this letter one scholar strongly dissuades another from travelling to a country which would take three years to reach. Against the expectations of the addressee, the Jewish scholars there were of no greater erudition than a local scholar quoted by name. On the other hand, the language and manners there were foreign and barbarous and the Jews did not permit a coreligionist from abroad to stay longer than one month if he was engaged in business. The reference to scholars and the refusal of admission points to Germany as the country alluded to.⁸⁵

In general, then, we see, that statutes and formal resolutions of a public body, although not frequently found in the Geniza, were by no means unknown. In these as in other matters, the society reflected in the Geniza documents held a kind of middle position between Greco-Roman corporate life and the seeming paucity of communal organisation in the Muslim society of the period under consideration.

⁸⁵ TS 16.235.

APPENDIX

*Statute Regarding the Appointment of Ten Elders as Assistants
To Ephraim Ben Shemaryah, the Leader of the Jews of Old Cairo*

(cf. p. 144)

In all of the numerous documents signed by Ephraim ben Shemaryah he is accompanied by other signatories. No autocracy was suffered in any Jewish community of the time. In this statute, however, an effort was made to enforce a more formal representation of the community. Despite its incompleteness, the document is a valuable illustration of public life in a Mediterranean Jewry of the first half of the eleventh century.

University Library, Cambridge, Taylor-Schechter Collection 13 J 30, f. 5. As from line 11, the left side is torn away and nothing is preserved after line 26. Until line 19 it is more or less possible to restore the missing words. Except for the quotations and some Hebrew phrases, the text is in Arabic.

- 1 תבת מא תקנתה אלגמאעה מן אלריבונן אלמקימין במצר עלי
- 2 אנפסהם כתרם אללה מע מ'אפרים ב' שמ פי שהר תמוז משנת /
- 3 ממא יאתי שרחה פי אכר הדא אלכתאב רגבה מנהם גמיעא
- 4 פי טאעאת (!) אללה תבארך ותעאלי ותבות עלי אקאמ (!) סנן אלדין
- 5 חסב מא אוגבה אללה עליהם פי תורתה (!) אלמגולה באלאשתראן
- 6 ובדל אלגהד פי אקאמה אלחקוק ותנפידהא ונצב אלואגבאת
- 7 עלי מן תתגה עליה [[דל]] באן יכון עשרה שיוך מן אלגמאעה
- 8 גלוס מע מ אפרים פי מושב בית דין מושרכין לה פי חמל
- 9 צרכי הצבור נאצריה עלי אקאמה אלחקוק מוענין לה
- 10 עלי אללאמר באלמערוף ואלנהי ען אלמנכר מודברין לחאל
- 11 [[מא]] מן סלך מא לא יגזיח //לה// אלשרע קימין במא יצל מן כ [ת]ב
- 12 אלריסא נ'ט' אלי אלגמאעה ומגיבין בחסב דלך פימא [אתפק עליה]
- 13 באלגמאעה ועלי אן יכון עלי אלגמאעה אכראם [מ אפרים]
- 14 ותבגילה וקבול אחכאמה עלי מוגב אלדין ו [אנה יסתשיר]
- 15 אלציבור פי אשיא מכצוצה מא ליס הוה (!) [מתעלק באלשרע ראגע]
- 16 ללדין כמא גמיע דלך ואגב[[עול]] ועלי אלכ[ל] ...
- 17 טאעתה והיכתה כמא הוה (!) ואגב ממ[א] שרחה נאקלין אלשריעה]
- 18 כתיב ואצוה את שופטיכם וכתיב [ואצוה אתכם דרש רב]
- 19 שמלאי הוהרה לציבור שתהא אימ [ת דיאן עליו]
- 20 והוהרה לדיאן (!) שיסבול את הצבור (!)
- 21 נפע מזגרה ממא תקדם בה אל[תקנה]
- 22 דלך אלי מא יתולאה בין ישו
- 23 ויכך עלי אלגמאעה
- 24 פי חקוק אללה תו .
- 25 דין ואן ועוד באללה
- 26 אלי אן יכרז
- 27 דלך אל

Translation

(1) The following statute was agreed upon by the community of the Rabbanites living in Old Cairo (2)—may God increase their number—and (our) M(aster) Ephraim b. Shem(arya) in the month of Tammuz of the year,⁸⁶ (3) as will be specified at the end of this document.

This was done out of the desire of them all (4) to be obedient to God, the Blessed and Exalted, and to uphold permanently the ways of the religion, (5) as God has laid them down in His revealed Law; namely, (6) to cooperate and to spend all our efforts on the enforcement and observance of the commandments and on the assignment of duties (7) to those on whom they are incumbent.

Ten elders from the community shall

(8) Sit with (our) M(aster) Ephraim as judges of the court;⁸⁷

Share with him the burden (9) of all the needs of the community;⁸⁸

Support him in the enforcement of the religious duties;

Help him (10) to further that which is desirable and to prevent that which is reproachable;⁸⁹

Deal appropriately with those (11) who live in a way not approved by religion;

Consider the letters (12) addressed by the Heads of the *Yeshivōth*—may God preserve them⁹⁰—to the community and answer them correspondingly [according to the suggestions agreed upon] (13) by the community.

The community is obliged to honour [M. Ephraim] (14) and to revere him and to accept his rulings with regard to religious observances, whereas he [will consult] (15) the public in specific matters not [related to the Law and not pertaining] (16) to religion since all this is obligatory. All [are bound] (17) to obey him and to venerate him, as [the bearers of the tradition have explained] (18) “It is written: *‘I commanded your judges’* (Deut. 1:16), and it is

⁸⁶ The text is a careless copy, perhaps from a hastily written draft. The copyist has either omitted the year, or משנת is to be taken as a misreading of אשנה, which corresponds to 1044 C.E.

⁸⁷ Two assistant or puisne judges only were needed in a Jewish court. However, as people were busy, a number of persons able to fulfil this task had to be available.

⁸⁸ A reference to the greatly developed social services and the representation of the community before the central and the local governments.

⁸⁹ A Muslim phrase.

⁹⁰ גטרינהו רחמנא stands for גטרינהו רחמנא.

further written: [*I commanded you*']. (*ibid.* i:8) This duplication is, according to Rabbi] (19) Simla'i an admonition to the public [to venerate its spiritual leader (literally its judge)] (20) and an admonition to the latter to show regard for the public".⁹¹

In line 21 there is a reference to the income from the slaughtering house, to which Ephraim, according to an earlier statute, preserved in TS 20.104, had certain rights.

⁹¹ Bab. Talmud *Sanhedrin* 8a, where the *textus receptus* has אזהרה, not הזהרה, as here.

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The Organization of Palestine by Gabinius

THE first encroachment upon the internal structure of the land of Judaea after its political annexation to Rome is represented by the partition of the country into five *σύνοδοι* by the Roman proconsul A. Gabinius,¹ who at the same time also removed all political power from the High Priest. Considerable agreement has been reached amongst scholars about the function of these *σύνοδοι*,² but not about their duration as an institution. One trend of research which has been influenced most by the authority of Wellhausen³ and which is at present predominant—being represented by scholars like E. Obst,⁴ H. Zucker⁵ and more recently M. Noth⁶—assumes that, after his adventure in Egypt, Gabinius himself removed the system he had created. Accordingly it lasted from the winter of 57/56 to the spring of 55 only.⁷ Others hold a less definite opinion (e.g., U. Kahrstedt,⁸) while G. F. Unger⁹ and E. Schürer¹⁰ assign the reunification of the country to the summers of 49 and 47 respectively.

These dates depend upon the interpretation of Josephus' report of one measure taken by Gabinius after his return from Egypt and his defeat of Alexander. *Bell.* i, 178 tells of Gabinius's coming εἰς Ἱερουσόλυμα and of the fact that he set up τὴν πολιτείαν there. We can, if we wish, take this to refer to the whole sphere of former Jewish state affairs. However, although we have no justification for finding in this passage a proof for assuming the supposed abolition of the country's partition, it certainly does not stand in absolute contradiction to it. *Ant.* xiv, 103 presents a correction:

¹ Josephus, *Bell.* i § 170; *Ant.* 14 § 90.

² Cf. E. SCHÜRER, *Geschichte des jüd. Volkes im Zeitalter Jesu Christ*⁴ I, 340 f.

³ *Isr. u. jüd. Geschichte*⁴ (1901), p. 315.

⁴ PAULY-WISSOWA, *Realencyclopädie d. Klass. Altertums*, Suppl. IV (1924), p. 790.

⁵ *Studien zur jüd. Selbstverwaltung im Altertum* (1936), p. 53.

⁶ *Geschichte Israels*³ (1954), p. 364.

⁷ MOMMSEN, *Röm. Geschichte* III⁵, p. 151 seems to assume that the scheme was imposed after the last of the Jewish revolts (55 B.C.) only, but in vol. V, p. 500 he holds a different opinion.

⁸ U. KAHRSTEDT, *Syrische Territorien in hellenistischer Zeit* (1926), p. 99 (? dependent on MOMMSEN, *Röm. Gesch.* V, p. 500 footnote).

⁹ *Zu Josephos IV. Die Republik Jerusalem* (Sitzungsberichte d. Bayer. Akademie d. Wiss., 1897) p. 212.

¹⁰ *Op. cit.* I, pp. 341 & 344. Cf. H. DESSAU, *Geschichte d. röm. Kaiserzeit* (1930), p. 750.

Gabinus established τὸ κατὰ τὴν Ἱεροσολυμιτῶν πόλιν which cannot, without distortion of the facts, be taken to refer to anything other than the partitioned state of Judaea mentioned previously (*Ant.* xiv, 91).¹¹ Ultimately both reports are derived from the tradition of Nikolaos,¹² but the passage in *Bell.* is a rather carelessly rewritten extract¹³ of this. One would consequently tend to prefer, *a priori*, the report in *Ant.* The independent community continued later, in the time of Caesar, as an administrative entity, since we are told of an administrator Ἱεροσολύμων καὶ τῶν πέριξ.¹⁴ In both¹⁵ instances the representatives are called στρατηγός, an office which is attested earlier in the lands bordering on Judaea.¹⁶

Into this community Gabinus brought a certain change. That this governor, who is known to have been so purposeful both in his official and his private life, should have destroyed completely a system which he had himself established but two years previously is hardly plausible, particularly since his schemes were of such a lasting nature elsewhere. The *aera* of Gaza probably had its beginnings in a decree of Gabinus,¹⁷ and the inhabitants of Samaria-Sebaste called themselves Γαβινιεῖς¹⁸ — a fact that was still known in the Middle Ages. Nor was a general revision necessary, since the disturbances had only occurred in Galilee and in the south-eastern corner of the area inhabited by Jews, and since, as far as we know, the areas of Gazara and Amathus were completely unaffected by them.¹⁹

¹¹ Particularly since Jerusalem did not show a certain degree of independence in face of the provincial system, as perhaps some of the hellenistic cities (cf. W. OTTO in PAULY-WISSOWA, Suppl. I, 2 [1913] col. 116) did later on.

¹² Cf. G. HÖLSCHER, in PAULY-WISSOWA, IX (1916), pp. 1944 f. and 1977.

¹³ HÖLSCHER, *l.c.*, and cf. col. 1948 f. and F. JACOBY, *FGH* II, c. p. 230; R. LAQUEUR has a less complicated approach (*Der jüd. Historiker Flav. Josephus*, 1920, p. 165.)

¹⁴ A royal στρατηγός for Jerusalem and its environment is mentioned in *Bell.* I, § 203; *Ant.* XIV, § 158 (Phasael)-*Bell.* I, § 652; *Ant.* XVII, § 156 (4 B.C.)-*Bell.* II, § 8; *Ant.* XVII, § 209 f. (4 A.D.); cf. H. BENGTON, *Die Strategie in der hellenist. Zeit* II (1944), pp. 265 ff.

¹⁵ For the time of Gabinus this can be deduced from the remark in *Ant.* XIV, § 93; *Bell.* I, § 172.

¹⁶ *Ant.* XIV, § 10 (Antipater in Idumaea).

¹⁷ *Catalogue of the Greek Coins of Palestine*, ed. G. F. HILL (1914), p. LXVIII.

¹⁸ G. CEDRENIUS (ed. I. BEKKER [1838], in *Bonner Ausgabe*) I, p. 323.

¹⁹ Can *Mark* vi: 21 (οἱ πρόωτοι τῆς Γαλιλαίας) be taken to imply that Gabinus' σύνοδοι-constitution continued in Galilee?

Both reports emphasise that Gabinius set up a scheme ὡς ἦν Ἀντιπάτρῳ θέλοντι.²⁰

The context in which this is stated is moreover full of praise for his services to Rome. It is all the more surprising, therefore, that Gabinius' readiness to agree with Antipater's wishes is stressed without there being any mention of either the former's type of system, or the latter's proposals. This can be understood on the assumption only that something has been withheld by the author: namely, that at that time Antipater had not reaped the reward for his efforts which he and others had expected.

What was it, then, that Gabinius had changed in the partitioned state of Jerusalem? Unger on the one hand considers the possibility of a change from a *strategion* to a *kollegion*²¹; A. Momigliano, on the other, suggests that Hyrkanus may have been re-entrusted with the leadership of the Sanhedrin.²² The latter theory is completely unfounded, whereas the institution of the council of strategians had better be ascribed to the year 49.

To get nearer to the solution of this problem it may be necessary to start from the consideration that even if Gabinius did not give Antipater his expected reward, he did at least give him some position, but one which (in view of his later rise in power) was no longer worth mentioning. Josephus tells us that the man appointed by Caesar to be the ἐπίτροπος was previously ὁ τῶν Ἰουδαίων ἐπιμελητής (*Ant.* xiv, § 127). Strabo, who is quoted immediately afterwards (xiv, § 139) calls Antipater only τὸν τῆς Ἰουδαίας ἐπιμελητήν. From this it is possible to deduce the trend of emphasising Antipater's position in Josephus' eulogistic source. Strabo is speaking about the year 47.²³ Before that Antipater can only have been ἐπιμελητής of the partitioned

²⁰ Here Josephus repeats a Thucydidean phrase (cf. R. MARCUS' note to *Ant.* XIV, § 103).

²¹ p. 206.

²² MOMIGLIANO does not differentiate between the sacred Sanhedrin and the secular Synhedrium. But only the chairmanship of the latter would have brought about the effect understood in MOMIGLIANO's assumption (*Ricerche sull' organizzazione della Giudea sotto il dominio Romano* [63 a.C.-70 d.C.] in *Annali della R. Scuola Normale Superiore di Pisa*, Ser. II, vol. III (1934), pp. 190 f.).

²³ This is probable, since certain political changes took place in 49 B.C. as has been shown by UNGER, *l.c.* pp. 211 f.

state of Jerusalem, a position which, since the political power was in the hands of the Sanhedrin, could be described as a financial office only. If that is the case, then 55 is the year which serves most readily as the date for the appointment.²⁴

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²⁴ Thereby we modify SCHÜRER's thesis (*GJV* I⁴, p. 343; cf. I², p. 278.)

CURRENT LITERATURE

VICTOR TCHERIKOVER and ALEXANDER FUKS (ed.), *Corpus Papyrorum Judaicarum*. Volume II. The Magnes Press, Hebrew University, Harvard University Press, Cambridge, Massachusetts, 1960. pp. xvi + 283.

The objects of the *Corpus Papyrorum Judaicarum* are to establish the correct text of all papyri and *ostraka* which have a bearing on Jewish matters, and to provide commentaries and bibliographical lists. The first volume, which appeared in 1957, contained a valuable historical survey of Egyptian Jewry as well as the documents for the Hellenistic period. The present volume deals with the Early Roman period and covers the years 30 B.C.E. to 117 C.E. The last date, which is not otherwise a turning point in Roman history, is of course justified in this context by the great Jewish revolt against Roman rule in 115-117, which almost put an end to Jewish life in Egypt. It should perhaps be pointed out that owing to their grouping of documents by subject matter, the editors include several texts which are in fact later than 117.

Each of the five sections of Volume II is preceded by a general introduction and there are separate introductions as well as bibliographies and critical and historical notes for individual documents. The texts are accompanied by English translations. The documents range in length from several pages to a few lines in the case of *ostraka*. Where only part of a papyrus is relevant to Jewish history, the editors have printed extracts, which sometimes consist of but a single line containing an obviously Jewish name.

The first section (no VII of the whole *Corpus*) comprises eight documents belonging to a collection found at Abusir el Meleq on the site of Bousiris, but emanating from Alexandria. They date from the time of Augustus and are mainly contracts. Their Jewish connections are usually inferred only from names, though in one document we read of an archive of the Jews in which a will was deposited. On the whole, the editors are cautious in designating a document as Jewish, and some scholars have drawn up much longer lists of Jews from the collection. Yet Mr. Menahem Stern, who is responsible for the introduction to this section, is surely right in advising caution on the grounds that for the most part it is "hardly possible to discern Jews from non-Jews" in the documents. Many Jews bore typical Greek names, even those derived from pagan gods, while theophoric names were not confined to Jews. No doubt many persons mentioned in texts not included by the editors were Jews, but the question is hardly one of great importance, for the remarkable thing even about definitely Jewish persons is their high degree of assimilation. They resorted to a non-Jewish court even on a problem like divorce, where Greek and Jewish law differed considerably.

The next section is entitled "The Jewish Question in Alexandria". Explaining the title, Professor Tcherikover remarks: "I find in its documents a certain analogy to the similar problems in modern times", and "it may be said that the 'Jewish question' in the modern sense of the term made its appearance in history at this period". The problems

on which these documents touch are familiar from literary sources, but the papyri are invaluable in supplementing and correcting these. The most important item in this section is the famous letter of the Emperor Claudius to the Alexandrians, which deals with the riots of 41 C.E. This document, which raises a number of vexed questions, above all chronological ones, and has already given rise to an extensive literature, is subjected to a very thorough analysis. Tcherikover believes that it disposes once and for all of Josephus's claim that Claudius recognised the Jews as "Alexandrians", i.e. citizens (though some Jews undoubtedly enjoyed citizenship). He also draws some interesting conclusions from it regarding differences within the Alexandrian Jewish community itself. Besides the *Boule-papyrus*, which has an indirect bearing on the Jewish question, and two private documents, the section also includes a number of the so-called *Acts of the Alexandrian Martyrs* insofar as they contain references to Jews or the names of well-known anti-Semites.

The papyri are silent on the events of 66-70 C.E., but some of the consequences can be seen in section IX, which comprises 250 *ostraka* from the Jewish district of Apollinopolis Magna (Edfu). According to Tcherikover, the mere fact that Jews are now to be found in a "ghetto" in Edfu suggests that there was a tendency for them to draw together after the pogroms, and the increased use of Hebrew and Aramaic names testifies to a growing national consciousness. Most of the *ostraka* are tax receipts, including seventy for the Jewish tax, which Vespasian imposed on all Jews in the Roman Empire after the destruction of the Temple. It applied to all Jews, male and female, from the ages of 3 to 60 or 62. Some names recur several times in the *ostraka*. It is surprising, however, that only six women are mentioned, and though there are a few family receipts there are none for husband and wife.

Then follows a section of miscellaneous documents, "Jewish" mainly on account of proper names, though one is an interesting inventory of all Jews in Arsinoë liable to the Jewish tax and another mentions synagogues. Also included are some important fragments concerning Tiberius Julius Alexander, prefect of Egypt (and later perhaps of the Praetorian Guard); several *ostraka* mentioning a merchant Marcus Julius Alexander, whom the editor (Fuks) identifies with Tiberius' brother; and two papyri mentioning a land-owner Caius Julius Alexander, who, it is suggested, may well have been their father, Alexander the alabarch, brother of Philo.

The last section deals with the great Jewish revolt of 115-117 C.E., "the cruellest and most ruthless of all the Jewish revolts of the past". The literary evidence for this event is very sparse and we must be grateful to the papyri for enlarging our knowledge of its geographical extent (according to Tcherikover, the whole of Egypt), the course of the fighting, and its aftermath. Some of the most illuminating documents, from the archives of the *strategos* Apollonius found at Hermoupolis, not only contain information on the physical events but give a vivid picture of the impact of the war on the population. The war seems to have caused considerable dislocation of normal life and was carried on

with great ruthlessness on both sides. In one letter to her son the mother of the *strategos* even prays to the gods that "they (evidently the Jews) may not roast you", but this lady's utterances are not always to be taken seriously.

The results of the war were grave indeed for Egyptian Jewry. According to Appian, Trajan was exterminating the Jewish race in Egypt, and it appears that this statement is only slightly exaggerated. Outside Alexandria, where the revolt finished early, whole communities were wiped out and Jews vanish almost entirely from our sources for some time. Altogether the history of Egyptian Jewry in the early Roman period marks the tragic failure of a community striving to preserve its individuality while achieving equality with its neighbours and participating in their political and cultural life.

The volume finishes with useful indexes of emperors and officials, personal and geographical names, technical terms and sources. The publishers are again to be congratulated on the fine appearance of the book. Scholars will eagerly await the third volume, which besides concluding the work will contain plates of selected documents. The *Corpus Papyrorum Judaicarum* will be an indispensable source-book for all students of this period of Jewish history.

ANITA MITTWOCH

REUVEN YARON, (1) *Introduction to the Law of the Aramaic Papyri*. Oxford University Press, 1961, pp. xiv + 135. (2) *Ha-Mishpat shel mismekhey yev. Mif'al Ha-shikhpul*, Jerusalem 1961, pp. xii + 200.

In these books the author has opened up a new field of sources for the legal historian. Though general interest has lately turned to the Aramaic documents, little use can as yet be made of them by the jurist who is unfamiliar with their language. Those scholars, on the other hand, who have studied the material, have not always been able to understand it against the general legal background which is gradually unfolding. It is the achievement of the author to be the first to classify the law of Elephantine within the framework of ancient law.

Relying largely (especially in the English version) on his previous publications, the author has compared our papyri exhaustively with most Near Eastern texts hitherto published and he has drawn many interesting conclusions. The English book includes also various additional remarks which seem to have occurred to the author subsequently. Treatment of the sources is fair and cautious; the conclusions are mostly born out by the evidence, and the author's case is well presented.

Both versions (hereinafter abbreviated as *Intr.* and *Ham.*) start with a description of the source material and the general *schema* of the Aramaic documents. After a chapter on courts and procedure Yaron discusses the status of slaves, children and women. The greater part of the text dealing with institutions is occupied by the chapters on marriage, divorce and succession. Though only about ten per cent of the papyri treat of family affairs the author (as well as other scholars) has made no small effort to examine the basic structure of the society under consider-

ation. There follows quite an extensive chapter on property law, based on more than half the documents; unfortunately, few *data* were available for the chapter on obligations.

Before turning to his final subject, i.e. sources and contacts, the author makes some methodological remarks regarding the comparison of laws. Examples are given from our texts for the rules that similarity does not imply dependence, that the time factor should not be overlooked when comparing sources, that contacts may be of unequal significance for legal research, and that proximate influences should be distinguished from remote ones.

The position of the Aramaic documents within ancient law is summarised in the last chapter. In spite of phrases common to them and to other systems, the author minimises the existence of basic contacts with biblical, Neo-Babylonian, Greek or talmudic law. On the other hand, he finds that many earlier oriental as well as native Egyptian traditions have influenced the law of Elephantine.

In criticizing earlier writers who had over-emphasised the Jewish element in the Aramaic documents, the author in our view goes to the other extreme in making excessive reservations and belittling the importance of Jewish contacts. The "undisguised taking of interest", for instance, (*Intr.* 115), is no more proof of the absence of knowledge of the Torah (not *homesh Ham.* 164) than is violation of the Sabbath among the Judeans or syncretism in Elephantine.

The papyri, do not, it is true, mention an autonomous Jewish tribunal (*Intr.* 27). But were not the contemporary judges in Palestine also appointed under a royal privilege (*Ezra* vii: 25-26), so that they might conceivably have been styled royal courts? The 'edah would not have agreed to mere passive participation (*Intr.* 28) where they had the feeling that a wrong was being done, but would probably have demanded a say in matters of divorce. Their intervention must, of course, have been limited to extraordinary cases, since substantive law did in fact facilitate divorce. We should not consider the reference to its function in isolation, but against the background of the judicial office of the Judaeans elders, the *γερονσία* and the *keneseth* as well as the Greek *βουλή* (cf. G. Allon, *Toledoth Ha-yehudim*, ii, p. 222, I. F. Baer, *Zion* xvii, 1952, p. 9). The Jewish community of Elephantine may, therefore, be presumed to have preserved native traditions for which evidence can be found in the Bible or later in the Talmud.

It goes without saying that, as well as similarities, there is many a difference between our group and the centres in Palestine or Babylonia. Cautious scholars have never maintained that the Elephantine community lived under biblical law, but where similar elements are present they may be taken to be based on common stock. Part of these traditions can certainly be found in other legal systems also and they may be influenced by them. An isolated group, such as that under consideration, is more apt to assimilate than are the centres. But in spite of the various deviations the reviewer has found a series of similarities that in his opinion prove the existence of much greater contact between the centre and the colony than is admitted by the author.

It is, indeed, something of an exaggeration if in the author's view the only connection between Cowley 15 and Kraeling 7 on the one hand and the *kethubbah* on the other is that their common subject matter is marriage (*Intr.* 44). Many of the similarities which we here list, are not peculiar to the marriage deeds but to Elephantine and talmudic formularies in general. Unfortunately the author disposed of some of them under separate headings, and when treating of the marriage documents he considered the institutional aspect only. The documents should, however, be examined as a whole, even if part of the elements are not specific.

The general *schema*, system of dating, subjective style, monologue form (cf. *JJS* viii, 1957, p. 217), recital of engagement ceremony, engagement formula, evaluation of dowry (*Intr.* 51, 60), succession rights of widower (*Intr.* 71; the reviewer derives the talmudic right of the widower *ex contractu*, against L. M. Epstein, *Jewish Marriage Contract*, p. 126), rights of widows and children (*Intr.* 67, 69; cf. *Tarbiz* xxiii, 1952, p. 10) —all these have their counterparts in the *kethubbah* and talmudic law. The change to objective style when referring to death or divorce (*Intr.* 11) seemed to be intended, as in talmudic language, apotropically, to exclude possible involvement in an ill contingency. This same trend caused in the end the entire omission of these clauses from the post-talmudic *kethubbah*.

The development of the *mohar* from a cash payment to a mere insurance against widowhood or divorce (*Intr.* 48) seems to be influenced also by the bride's gradual participation in the ceremony (cf. *Intr.* 46). If she herself received the *mohar*, the husband of course immediately resumed custody over it together with her other goods. His position as regards the dowry was not that of an owner (*Intr.* 51) but rather of a tenant with special liabilities (cf. *Tarbiz* xxvi, 1957, p. 287 f.). The *Beispruchsrecht* of the wife (*Intr.* 52) may be the result of a mortgage accepted by the husband for the restoration of the dowry and the *mohar*, ascribed to Simeon ben Shetaḥ but perhaps older (cf. J. J. Rabbinowitz, *Jewish Law*, p. 43). The argument *beraḥamin*, used to revoke the gift of the dowry (*Intr.* 51, 80), is similar to that of the surety for the *kethubbah* (T.B. 'Arakhin 23a). The oath to which the divorcee was subjected (*Intr.* 32, 63) may be compared to that imposed by talmudic law upon the widow demanding payment of the *kethubbah*, or the wife acting as ἐπιτρόπος (Mishnah, *Kethubboth* ix, 4, 7).

It is, of course, true that in every one of these cases there are differences between the institution in Elephantine and in the Talmud. But all of them together are not to be explained as pure coincidence and the result of similar social conditions. Neither is it here maintained that all these forms are of Jewish origin. Both the centre and the colony may have accepted them from a neighbourhood culture, the centre may have been influenced *via* the colony or *vice versa*. The only point to be made here is that contact does exist between the Aramaic and talmudic marriage documents, and that this circumstance unfolds to us an early stage of Jewish law.

As to the documents in general, the designation *sahed* before the name of the witness (*Intr.* 16) probably reflects an earlier oral declaration

made at such occasions (*Jos.* xxiv: 22, *Ruth* ii: 11). Endorsements at the end of or outside the deed (*Intr.* 24) were also used in talmudic legal formulary (Gulak, *Urkundenwesen*, p. 28). Production of a deed was conclusive evidence (*Intr.* 29), because the use of receipts was still unknown except in the case of periodical payments. When the capital was paid the pot sherd witnessing the debt was broken (hence *shover*), or the papyrus torn or turned over to the debtor. Talmudic sages of the third century C.E. were still not sure whether to issue receipts (still called *shoverin*, T.B. *Bava Bathra* 17b).

The phrase *wela' din udevav* (*Intr.* 30, 109, 127) and the deed of removal (*Intr.* 81, 103) are renunciations of further right of action. Originally mere clauses of acknowledgement of existing rights, they seem to have become dispositive forms. In this respect they may be compared not only to the *sheṭar silluq* (*Ham.* 149) but to the general *schema* of the talmudic document. For the latter usually takes the form of the *hoda'ah* or *'odiṭha* even where rights are created or transferred and fulfills also the function of *res iudicata*. "Removal" (*silluq*) seems to be the antonym of "drawing near", which also has a forensic meaning (*JSS*, v, 1960, 353).

Parties were named and described (*Intr.* 9, *Ham.* 22) according to the rules mentioned in the Mishnah, *Bava Bathra* x 7. The *meyasṣev* clause (*Ham.* 133, *Intr.* 103) is to be found in the benediction closing the *shema'* (T.B. *Berakhoth* 12b). The reviewer is of the opinion that the original defension clause provided for the replacement of the object if the purchaser's title could not be defended (*Ham.* 131, *Intr.* 91). This is, in his view, the primary meaning of *nekhasim sheyyesh lahem 'aharayuth*, i.e. goods sold with a replacement clause. It was at a later stage only that the *'aharayuth* acquired the sense of security for the payment of *mohar* and of debts in general.

The marking of slaves (*Intr.* 36) is the idea underlying *Is.* xlv: 5 as well as of the diadem of the priest (cf. *VT* xi, 1960, p. 88). I have shown elsewhere that *Lev.* xix: 20 also recognises the matrimonial relations between freeman and slave (*Ham.* 51, n. 1 has mistaken my meaning), but it is unexpected that the offspring of such a union should be slaves (*Intr.* 39).

Finally, the reviewer would not draw the same conclusion as does the author from the fact that various technical terms of Elephantine documents have been replaced in the Talmud by other ones (*Intr.* 128). Where the substance is similar we may assume the existence of contacts in the field of legal history, leaving the question of terminology to linguists.

Further elements common to the Aramaic papyri and the main Jewish legal sources occur when we read again these informative books. Although the author himself is inclined to deny it, he has in fact enriched our knowledge not only of ancient law in general, but especially of early Jewish institutions.

Z. W. FALK

J. SCHREIDEN, *Les Énigmes des Manuscrits de la Mer Morte*. Éditions Cultura, Wetteren (Belgium), 1961, pp. v + 408. (Price not stated).

In the preface to the book under review the author defends the way in which he presents his material. The bulk of the work consists of a large number of apparently unconnected paragraphs of varying length, in which Dr. Schreiden expresses his views on the many vexing problems to which the discovery of the *Habakkuk Commentary* and related documents has given rise. The author, who writes for scholars and not for the general public (p. i), has preferred to compose his book in this way rather than "*à la manière d'un roman*" (*ibid.*), in order to provide specialists who are interested with a handbook, to be consulted by means of the table of contents at the end; indeed, he explicitly advises the reader not to study it from cover to cover. The present reviewer, having disregarded that warning, has read the book through from beginning to end, and can confirm the soundness of the author's recommendation—partly because of the constant and rather tiresome repetition of certain basic points, and partly because of the disorderly arrangement of the paragraphs. Dr. Schreiden has not attempted to mould his material into an organic whole; instead, we have a volume consisting of a chaotic jumble of chapters whose usefulness as a handbook is seriously impaired by the fact that any reader who might wish to consult the book on some point or other has first to work through five pages of chapter headings and then, after failing to find anything there bearing on his problem, to hope for some help from the unsatisfactory skeleton index on p. 401 f.

In dealing with the purely formal shortcomings of this book one may also mention the short list of words and phrases used in Qumran writings in § 92 (pp. 335-38): the first entry is the only one arranged alphabetically; all the rest are listed in what appears to be a purely casual manner. And the repetitiveness, which mars the book as a whole, is also to be found in the short explanations attached to the individual items of that list: it adds very little to what has already been said on the preceding pages. The book could easily, without loss of quality, have been very much shorter; thus e.g. the essentially new and complementary material offered on pp. 283-338 is both qualitatively and quantitatively so unimpressive that a few footnotes attached to the appropriate passages of the main part would have sufficed. Some of the paragraphs are so short and scrappy that they are of little use; and the extracts (often very long) from the writings of others ought to have been radically curtailed.

The book is sometimes poorly and imperfectly documented, e.g. the reader is not told from where the quotation of Dupont-Sommer on the middle of p. 11 is taken; § 64 (p. 279) deals with C. Roth's thesis, and reference is given to three places in the book which one would expect to yield the suggested bibliographical information: none of them does. In a note on the translation of *IQS* iv, 6 (p. 355) we are told that the words כול הולכי בה למרפא are used by Philo in his description of the Therapeutae; but we are not given any exact reference—which is, of course, essential for checking the validity of such an assertion; no scholar is likely to take Dr. Schreiden's word for it.

The work is divided up into one hundred paragraphs, which include

complete translations of the principal texts (the *Habakkuk Commentary*, the *Rule of the Community* (the *Manual of Discipline*), the *Rule of the Congregation*, and the *Damascus Document*). These translations are, generally speaking, careful and literal, and the author is to be commended for not indulging in reconstructions. A few linguistic points are discussed in the footnotes, but the reason why some are so treated and others are not is not clear; e.g. there is not a single note on the difficulties in pl. vii of the *Manual* (where some of the author's renderings are questionable). On p. 27 יְשׁוּעָה in the *Commentary* xii, 5 is taken to be *Niph'al*, which is, of course, impossible; in the translation the word is rendered correctly. In § 77 (p. 313 f.) the reading הֵם גִּדּוּל in the *Manual* x, 4 is adopted and explained; but in the translation גִּדּוּל seems to have been read as גִּדּוּל. Limitation of space prevents the reviewer from giving further details; but the reader who is a specialist will undoubtedly be struck by several oddities, errors, and inelegancies in the renderings of these documents.

The author has refrained from offering a detailed bibliography and has instead listed five items (p. 399) where fuller references to literature on the subject may be found. The up-to-date bibliographical information published in *Revue de Qumran* should have been included.

After 'preliminary observations' (pp. 3-84) there follows a 'historical commentary' (pp. 85-282), in which the author discusses the historical background of the *Habakkuk Commentary* and subjects the theses of Dupont-Sommer, Goossens, Vermès, Vincent, Michel, and Roth to a critical examination. Of these scholars Dr. Schreiden has the highest regard for Michel whose theories are discussed in 76 pages, but he takes a poor view of Dupont-Sommer who is accorded 18 pages; and if the respective lengths of paragraphs in this part of the book is a guide to Dr. Schreiden's sympathies, it is perhaps worthy of mention that Roth is dismissed in four pages.

The preponderance throughout the book of the influence of scholars who write in French is noticeable, and although the author reveals very considerable knowledge of the problems and their various solutions, it seems to the reviewer that his reading has not been as wide as it could have been. Not only could some of the mistakes in the translations have been avoided if he had consulted the renderings offered by others; but in his discussion of other scholars' views he is sometimes unfair and out of date. This applies e.g. to his treatment of Dupont-Sommer's interpretation of בְּחִירָו (*Habakkuk Comm.* v, 4), where he ought to have pointed out that the last mentioned scholar has abandoned the interpretation of this expression as referring to one person only (i.e. the Teacher of Righteousness), see *Les Écrits esséniens* . . . , p. 273. On p. 43 of his book Dr. Schreiden tells us that, according to Qumran theology, God *opère dans un monde qui n'est pas (du moins entièrement) son oeuvre*. This assertion depends on a statement by K. G. Kuhn, who wrote in 1950 (before the whole of the *Manual of Discipline* was available to scholars): "Die Welt [*sc.* in Qumran theology] ist . . . nicht als Schöpfung Gottes gekennzeichnet". The fact is that the doctrine of God as the Creator of everything is a focal one in the religious thinking of

Qumran—as indeed Kuhn appears to have recognised later, cf. *Zeitschrift für Theologie und Kirche*, xlvii (1950), p. 200, as against xlix (1952), p. 303; reference may also be made here to J. P. Audet, in *Revue Biblique*, lix (1952), p. 233 f.: “C’est la foi en la création qui est le fondement dernier de l’obligation morale . . .”.

As far, then, as the interpretation of the *Habakkuk Comm.* v, 4 is concerned, the author is flogging a dead horse. Another rather fruitless discussion is contained in the context dealing with Goossens’ theory that Onias the Circle-drawer, mentioned in talmudic sources, was the Teacher of Righteousness. This hypothesis has rightly been ignored by scholars and is surely not worth special discussion extending over close on 10 pages (pp. 139-48).

In spite of all these shortcomings Dr. Schreiden’s book cannot be ignored, because it offers the most thorough treatment to date of the main theories which have been advanced so far to solve the complex problem of the history of the Qumran community and its founder, as it is reflected in the literary remains. No one who takes the trouble to acquaint himself with the often excellent and very close argument so competently put forward by Dr. Schreiden would query his claim that his views, however briefly expressed, have been reached *après de longues recherches*, and that his book is *le fruit d’une étude approfondie* (p. i). This does not mean that all his own theories are acceptable: in fact, some of them are, in the reviewer’s opinion, bizarre and quite improbable.

The identification of the Qumran sect with the Essenes is adopted without reserve—in fact, it is repeatedly asserted that Josephus and Philo, for their descriptions of the Essenes, depended directly on the *Manual* (e.g. p. 16)—and Dr. Schreiden’s linguistic studies lead him to assume that, because of the lack of Aramaisms (pp. 24 ff.) in the Qumran writings, the sect must have had a very long history in complete isolation from Jews speaking Aramaic (p. 54) or Mishnaic Hebrew (p. 96) (a small degree of Aramaic influence in the *Manual* is recognised on p. 350, cf. also note on *IQS* iii, 9 on p. 354; on the other hand the Copper Scroll is regarded as having had nothing to do with the Qumran community (p. 281, n. 1)). The members of the sect did not, it is maintained, speak a Semitic language at all, and depended for their (imperfect) knowledge of Hebrew on the Scriptures (p. 24 f.); Egypt, so Dr. Schreiden declares, was the only place where Jews could live completely cut off from the Aramaic speaking world (p. 31; on p. 56 it is explicitly stated that the Qumran sect consisted of Egyptians) and could be influenced by Zoroastrian (p. 162, p. 302 f.) and Mandaean (p. 306, n. 1) theology; the name Essenes was, in fact, given to this Egyptian community by orthodox Palestinian Jews, ‘Essenes’ being the Aramaic equivalent of Greek *θεραπευταί* (p. 45). The Egyptian Essenes date back to pre-exilic times, and it was only much later—about 200 B. C.E. (p. 97)—that they settled in Qumran. They were an esoteric sect, very small (p. 50, p. 296), intellectually of a low order (p. 30), ignorant and superstitious, delighting in obscurity (p. 202, n. 1), and an easy victim to foreign influence (p. 198). They were a dissentient

branch of the Zadokite priestly family (therefore non-celibate Essenes p. 47), nothing to do either with the Zealots (p. 61 f.) or the Hasidaeans (p. 71 f., p. 91, n. 1), who perhaps left Jerusalem for Egypt in the contingent of refugees which included the prophet Jeremiah (p. 20, n. 1, p. 176 f.). With the Christians the Qumran community had hardly anything in common (p. iii).

In his interpretation of the *Habakkuk Commentary* the author insists (cf. already Vermès before him) that the *Kittim* and the Wicked Priest are not necessarily to be regarded as contemporaries (p. 12, p. 186). All the verbs in the *Commentary* are taken as referring to the past (p. 181), the Wicked Priest very likely being Menelaos (p. 9, p. 240), and the *Kittim* the Romans of the first century A.D. Archaeological evidence is disregarded (p. 63 f.) and the *Commentary* is regarded as having been written after 70 A.D. (p. 49). Dr. Schreiden suggests that the relationship between the Teacher of Righteousness and the Wicked Priest was of a perverse sexual nature, and that the tragic death of the former as a result of the latter's perversity as indicated by the use of *Niph'al* of נִפְּחָא which is taken to mean *disparaître secrètement* (see especially p. 251, n. 2). No refutation seems necessary, either of this theory, or of the suggestion put forward on p. 308 that the 'sign Nun' in the *Manual*. pl. x should be interpreted as designating the *Shekhinah*, *c'est-à-dire le principe féminine en Dieu*. (This transformation of the *Shekhinah* into a feminine principle did not occur before the 12th century *Kabbalah*; cf. Scholem, *Major Trends in Jewish Mysticism*, 1955³, p. 229). Equally fantastic is the suggestion (p. 341) that אֵל for the Qumran community was a deity different from יְהוָה, viz. *un ange; sorte de Dmiurge*.

The book may be briefly described as a thorough study in Qumran problems, tainted with a number of unacceptable theories.

P. WERNBERG-MÖLLER

B. TOLEDANO (ed.), Tanḥum b. Joseph Yerushalmi, *Al-Murshid al-Kāfi*. vol. i, Tel Aviv 5321 (1961-2), pp. 36 + 223, (1).

Tanḥum Yerushalmi's *al-Murshid al-Kāfi* ("The book which guides and is sufficient") is a glossary, written in Arabic, in the first instance for the language of Maimonides' Codex of Law, and more generally for talmudic Hebrew. It is a remarkable philological achievement, and has been studied by scholars of the rank of Goldziher and Bacher, but never published in full. The present volume contains the first half of the text, namely the letters *alef* to *kaf*, accompanied by a Hebrew translation. An introduction provides information about the author and his works, but nevertheless contains some strange misunderstandings. The Oxford MS. Huntington 216 is discussed at length (p. 12), since it is supposed to contain a work by Tanḥum; the discussion is based on older authorities, whereas a glance at Neubauer's catalogue (no. 582) would have shown that the MS. in fact contains part of Maimonides' code, the attribution to Tanḥum being due to a falsification. From the introduction we also learn that the edition is based on a modern Yemenite MS. (in Yemen the book was multiplied in manuscript form

up till quite recently), which was collated with an older Yemenite MS. The editor had microfilms of a MS. in the National and University Library in Jerusalem, which he thinks is identical with a MS. formerly in private hands and mentioned by Kohut and Harkavy and the date of which is estimated by him to be about 1500; he does not state, however, what use he has made of it. All this is rather ominous since it means that the old MSS. preserved in other libraries (more especially in the Bodleian Library, Oxford) have not been used. Our fears prove to be justified by the text of the author's own introduction, which had previously been published by Bacher. In numerous passages Bacher gives the correct text where the text of the present edition is corrupt; in fact the editor himself in such cases quotes Bacher's text in the footnotes and follows it in the Hebrew translation. This does not inspire us with confidence for the main part of the text, where such a prop is not available.

As for the translation, it is obvious that the editor has a fair knowledge of ordinary Arabic; in many cases, however, where the author uses an elevated or technical style, he stumbles, and stumbles badly. A few examples may be cited from the beginning of the book. *Fa-idha* 'tabara 'l-insānu 'l-āqilu 'l-sālimu mina 'l-hawa 'l-khārijū mina 'l-ta'alluqi bi 'l-ma'lūfāti hādlihi 'l-hikmata 'l-bālighata ra'a 'l-āthāra 'l-bāhira etc. (p. 20) means: "Therefore if a man, who is intelligent, is free from prejudice and is not attached to established notions, considers this exceedingly great wisdom, he sees the resplendent traces etc.", and not ולכן אם יתבונן האדם בעל השכל השלם בחשק המופק מן הדיבוק בחיבורים ; של החכמה הזאת העליונה יראה את הרשמים הבהירים וכו' the Arabist will recognize the amusing blunders which gave birth to this nonsense. Similarly, *ka-mā waṣafahu ba'ḍu 'l-fuḍalā'i hi-azīmi 'l-ijāz wa-ghāyati 'l-balāgha* means "as one excellent man described Him in a very concise and most eloquent manner", and not כמו שתיארו אותו חלק מאנשי המעלה שהוא מרבה לסלוח ואין קץ לגדולתו. In the body of the book where the text is usually straightforward, the translation is more reliable and the blunders rarer. References for quotations from the Talmud, Maimonides, etc., have been diligently provided throughout in the footnotes.

It is obviously better to have the full text of this important book in an uncritical edition than not to have it at all. The student should, however, be warned to use the edition with caution and, if he wishes to employ the text for any precise purpose, he would be well advised to check it, if he can, against the old MSS.

S. M. STERN

RUTH P. LEHMANN, *Nova Bibliotheca Anglo-Judaica. A Bibliographical Guide to Anglo-Jewish History 1937-1960*. Jewish Historical Society of England, London, 1961. pp. xi + 232. 30s.

During the last hundred years bibliography has become an integral part of Jewish scholarship too, and hundreds of special bibliographies testify to this fact. However, no single bibliography is complete, not even a bibliography of one man's writings, for it is virtually impossible

for a single editor or compiler to collect the whole of his material. It is correspondingly the more difficult to prepare a bibliography of a group of people or of a whole period. Yet any attempt to discipline the rambling mass of information relating to any subject is to be welcomed in an age when the printing of books has become universal and printed material abounds in unchartable masses.

The volume under review relates to Anglo-Jewish history during a period of 23 years. The difficulty of the task raises a number of questions. First and foremost, the definition of what is meant by Anglo-Jewish history. This can mean every piece of printed information relating to Anglo-Jewry and published during the period, or writings by Anglo-Jews, the publications of Anglo-Jewish Institutions, or a combination of all these. The second difficulty, which immediately jumps to mind, is that this volume is a sequel to Dr. Cecil Roth's *Magna Bibliotheca Anglo-Judaica*, published in 1937, and its author has confined herself to the classification adopted in the earlier volume.

Miss Lehmann points out in her introduction that the volume is not intended to be exhaustive. Neither is it an attempt to supplement every part of the *Magna Bibliotheca*, but rather to bring up to date those sections which have a direct bearing on Anglo-Jewish history.

If one bears in mind the difficulties which I have pointed out this book, like any other, has to be judged by the criteria of how well it covers its field and with what measure of trust scholars and students can rely upon it. Applying these criteria to the *Nova Bibliotheca*, one must pronounce it a praiseworthy attempt at covering as much of the field as was possible, and a reliable source. One could have wished, however, that Miss Lehmann had reclassified her material, which would have made it more tractable to the bibliographer.

I would particularly refer to Section B4, Polemics, (External), where are included some of the anti-Semitic and philo-Semitic publications relating to Anglo-Jewry, without any indication as to which category each belongs to. Equally (and this is the only serious omission with which I would quarrel) hardly anything of the vast literature relating to the extermination of European Jewry is included. It is true that only a fraction has any Anglo-Jewish connotations, but that, at least, ought to have been included. I would not have mentioned the omission of this literature if Miss Lehmann had included in the Bibliographical Section [A] (a) Bibliography (i) General] at least some of the bibliographies relating to the period, e.g., the Wiener Library Catalogue *Persecution and Resistance under the Nazis*, second (revised) edition, London, 1960; and the *Guide to Jewish History under Nazi Impact* by Jacob Robinson and Philip Friedman, New York, 1960.

If one were to go through the *Nova Bibliotheca* with a tooth-comb, one would find a number of omissions; for instance, Miss Lehmann includes two minor articles on Winston Churchill on *Jewish Problems* by Oskar K. Rabinowicz, but she does not include his book published under the same title in 1956. On balance, however, all praise is due to her; she worked virtually in the dark, for there is no single library where she could have had easy access to all the material listed. She had to

examine volume upon volume of Jewish journals, magazines and periodicals of all kinds; she had to visit Jewish organisations to examine their own publications, and she had to rely—in the case of many entries—upon second-hand information, a thing which every conscientious bibliographer is loth to do. In her introduction Miss Lehmann refers very modestly to these difficulties.

Since this volume answers an important need, its sponsors, as well as the Anglo-Jewish community, ought to draw a number of conclusions. First, that the material listed is extremely significant and interesting; second, that there is a crying need for a Central Jewish Library, where all printed material relating, however remotely, to Anglo-Jewry should be collected on a kind of copyright basis; thirdly, that there should be at least close co-operation between the few qualified Jewish librarians in this country who have access to such material, so that they should be able together to prepare an Anglo-Jewish National Bibliography; and finally, and most important, that this should be done annually or at least cumulatively for say 5 years at a time. If, by a combined effort of Jewish librarians in the United Kingdom, an Annual Anglo-Jewish Bibliography could be prepared, it could include all articles published, and not only books and selected articles. Again, if such co-operation between librarians could be achieved, they could agree on a slight modification of the classification to meet present requirements. This is in no way a criticism of Dr. Roth's original classification; as an historian he would be the first to admit that times change, and what was applicable in 1937 cannot be rigidly maintained to-day. The *Nova Bibliotheca* is an important contribution to the study and writing of Anglo-Jewish history.

ELIZABETH E. EPPLER

BERNHARD BRILLING, *Geschichte der Juden in Breslau von 1454 bis 1702*. Studia Delitzschiana, Band 3, Institutum Delitzschianum, Münster (Westphalia). W. Kohlmann Verlag, Stuttgart, 1960. pp. 110.

When Hermann Kohn of Eidlitz (Bohemia) died in Breslau in 1870 at the early age of 27, he left behind a large collection of material about the history of the Jews of Silesia. Marcus Brann, the learned successor of Heinrich Graetz, inherited this collection, and made it the starting point for his comprehensive *Geschichte der Juden in Schlesien*, published in the Annual Reports (*Jahresberichte*) of the Rabbinical Seminary of Breslau 1896-1917. These publications, however, did not deal thoroughly with the special history of the Jews in Breslau in the last centuries of the Austrian regime in Silesia; and Brann's successor, Israel Rabin, in his book *Vom Rechtskampf der Juden in Schlesien 1582-1713* touched on Breslau but incidentally during his special period. There thus remained a gap, which is now filled in by Dr. Brillings's interesting and penetrating study.

In 1453, after the monk Johean Capistrans had stirred up hatred and superstition and had instigated persecution, the medieval Jewish community of Breslau perished at the stake; and in 1455 King Ladislaus granted the city the *ius de non tolerandis Judaeis*. But this did not mean

that the ties between city and Jews were completely disrupted. Within the first decades of the 16th century—perhaps even earlier—Jews from Poland, Lithuania, Bohemia and Moravia flocked again to the four Breslau fairs. Their right of stay in Breslau, however, was restricted to the fairs only and a very few days before and after. The Jews of course strived by every means to extend these set terms but—no wonder—met with stiff resistance from their commercial counterparts. There was, however, as Brilling has made abundantly clear, a quite different attitude towards the Jews from the eastern countries from that adopted towards those of the settlements in Silesia itself. The merchants of Breslau, and those from outside Breslau who attended these fairs, were keenly interested in obtaining raw materials and in the wholesale export of manufactured goods. In both respects they had to look to the eastern and especially the Polish Jews, because they brought the required raw materials to the fairs and possessed bargaining power and buying capacity. Similarly officials concerned with the finances of the state and the city, and the customs officers, were favourably inclined towards the Jews from the east. On the other hand those Christian merchants who did not deal in bulk selling were strictly against the Jews in so far as the latter tried—not without success—contrary to the established laws and privileges to indulge in retail trade, even outside the stipulated times.

It is of great interest to follow the struggle of the different vested interests in their changing phases, and no less so to observe the role played in this struggle by the powerful organisation of the east European Jewries, the *Wa'ad 'Arba' 'Araṣoth* (Council of the four Lands). The instrument whereby the *Wa'ad* exercised its influence and so became responsible for the maintenance of continued commercial relations between the Jewish traders and the merchants and authorities of the Breslau fairs was the so called *Schammesse*, i.e. the agents or consuls of combined eastern Jewry. Important centres of Jewish population such as Rzeszow, Posen Lissa and, from within Silesia, Glogau and Zülz also had their own representatives at the Breslau fairs. The *Wa'ad 'Arba' 'Araṣoth*, through its authority and indirectly through the economic power it could exercise, was able to protect the places of worship where the Jews used to pray during the fairs whenever their existence was threatened. The activities and residence of the *Schammesse* could not be limited to the time the fair lasted; they were, however, not the first Jews to establish themselves permanently in Breslau. The first Jew to do so was a purveyor of the imperial mint, Zacharias Lazarus from Nachod. He took up permanent residence in Breslau about the year 1656, being protected by imperial privilege.

The persecutions suffered by eastern Jewry in the middle of the 17th century led to mass emigration into countries west of the Polish border. The pressure of the newcomers of necessity influenced the economic, political and cultural position of the Jews in the old settlements. This applied also to the changing circumstances and aspirations of the Jews who regularly frequented the Breslau fairs, and especially to those of Silesia itself, who through their growing numbers and needs were

compelled even more than before to strive for the improvement of their legal status and for the facilitating of their economic condition.

The *Judenordnung* of 1702 ("wie es mit Einlass, Tolerir- und Wiederhinausbringung der Juden bey der Stads Breslau ins Kunfftige gehalten werden soll") is—according to Brilling—the turning point in this continuous struggle. Although it evinces very little of freedom or humanity and meant but little real success for the average hard-pressed Jewish merchant, it nevertheless brought about the abandonment of the ever-threatening *ius de non tolerandis Judaeis*—at least for the few who were allowed to stay unhampered within the boundaries and under the jurisdiction of Breslau. In the suburbs—under the jurisdiction of ecclesiastical authorities—there had been a much more favourable development; and the *Toleranzedikt* of the Emperor Charles VI granted permanent domicile even to the "unprivileged" Jews throughout the whole of Silesia.

It is to be regretted that the book ends with the year 1702 and that the author was not able to extend his detailed study up to the beginning of the Prussian regime in 1740. Brilling was the last archivist of the once flourishing Jewish community of Breslau. His book is based on intensive research undertaken 1930-1938 in the various local archives. In Hitler's Germany he could not publish it; now, a quarter of a century later, he has been able to achieve his aim—with the help of grants provided by German authorities. *Habent sua fata libelli*.

J. JACOBSON

MATTHEW BLACK, *The Scrolls and Christian Origins. Studies in the Jewish Background of the New Testament*. Thomas Nelson and Sons Ltd., 1961. vii + 206 pp., with 16 plates. 25 s.

This book is a somewhat expanded version of a course of lectures which Professor Black delivered in May, 1956, in the Union Theological Seminary, New York. The author preferred to postpone publication until more of the Judaean texts were available to scholars, and this is the reason for the rather late appearance of his work. One may perhaps be permitted to stress the significance of the connection between Professor Black's cautious attitude (which he displays on every page of the book under review) and the delay in putting the fruit of his reflexions over to the public; for his is a careful, scholarly work on a subject which many writers for some years now have had difficulty in dealing with in an unpolemical fashion. This book is very welcome both because it presents the views of a well known New Testament scholar on the significance of the 'Scrolls' for our insight into the historical background of early Christianity, and because it is almost entirely devoid of special pleading.

The bulk of the work is divided into two parts, one historical and one religious and theological. The author is, of course, conscious of the momentous significance of the Qumran documents for the study of Christian origins and accepts the view that the people of the Scrolls were Essenes, the name 'Essenes' being regarded as the Greek equivalent of Hebrew *Hasidim*; Professor Black finds the origins of Essenism in

the *Hasidim* of Hasmonaean times when (perhaps during the reign of Jonathan, 160-142 B.C.E.), members of the Hasidaean movement organized themselves as a religious order, carrying on ascetic trends which remind us of the Nazirites and the Rechabites of ancient Israel. There is not, of course, complete agreement between the descriptions of the Essenes by Josephus and Philo on the one hand, and the Qumran manuscripts on the other, but the latter help us to see the Essenes as they really were: they were not all celibates, in fact only a limited number may have practised celibacy; similarly, community of property applied to the priests only; and lastly, the sweeping generalisation which would have it that the Essenes worshipped in a spiritual manner only is incorrect, as we can see especially from the *Damascus Document* which contains laws relating to animal sacrifices. The people of the Scrolls were a branch of a widespread movement (of which we have evidence in patristic sources) which flourished before the Fall of Jerusalem, and which represented a certain type of heterodoxy (measured by Pharisaic standards), expressing itself in quasi-ascetic tendencies, baptismal rites, Scriptural exegesis, etc. The Samaritan schismatics constituted a northern section within the same, larger group.

The obvious question at this stage of Professor Black's researches is the question where we are to look for the possible connection between this 'vast movement' and the Christians of the New Testament. And on this score the author joins issue with O. Cullmann who, in the *Journal of Biblical Literature*, lxxiv (1955), pp. 213 ff., argued that the 'Hellenists' of *Acts* form a bridge between the Essenes and the early Christians. In contradistinction to that theory Professor Black contends that the link was not through the Hellenists, but through the Hebraists of *Acts*. "It is contended that the latter name had been revived in Maccabaeae times to describe the *Hasidim*, and came later to be employed to distinguish Pharisaic (rabbinical) 'Jews' from their co-religionists of Hebrew nationality, but with anti-Pharisaic beliefs, mainly the group known as 'Essenes'" (p. 167). One is here reminded of a similar view propounded by H. Kosmala, in *Hebräer - Essener - Christen*, p. 345.

In the second part of his book the author deals with the religious and theological aspects of his investigation, and here we are at the hub of the whole argument—not of the specific one as to whether the 'Hellenists' or the 'Hebraists' of *Acts* are the more closely connected with the Essene sect, but of the general one as to whether the primitive Church originated in a milieu closely similar to, if not actually identical with that of the Qumran Essenes. The author shares the view of other cautious scholars that comparison between the Qumran sect and the primitive Christians should start with the institutions, practices and beliefs which the two groupes may have had in common, and not with the personal characteristics of the central individuals of either sect (Jesus and the Teacher of Righteousness respectively). An important point here is the fact that the Qumran community represented a *movement of repentance* which performed baptismal rites. In this respect they were, according to the author, different from all other Jewish sects of those days, and up to a point anticipated later, Christian institutions.

Apart from the specific character of their baptismal rites as rites of initiation and as outward signs of repentance which were, it appears, taken over by the Christians, there is, of course, the question of the sacred meal; and here the author holds that there is a connection between the daily 'breaking of bread' as celebrated by the Jerusalem Church, and the Qumran meal—the latter really being a continuation of the ceremonial eating of the Shew-bread which the Zadokite priests carried on when they left the Temple.

In their strict legalism the Qumran community were, of course, different from the Christians; in matters of law or *halakhah* the primitive Christians had nothing in common with Qumran, apart from one or two isolated rules. Where the early Christians did agree with Qumran was in the realms of prophetism and apocalyptic, and Professor Black sees, in the 'almost evangelical' piety of the *Hodayoth*, both a continuation of the ancient *Psalmenfrömmigkeit* and a *preparatio evangelica*.

The book ends with four appendices containing the accounts of the Essenes in Josephus and Philo, and short articles on 'The Essenes in Hippolytus and Josephus', 'Aramaic Texts from Qumran', and 'The Qumran Calendar and the Last Supper'. We also get the usual indexes but no bibliography. From the footnotes it is clear, however, that the author has made use of the most important literature on the subject although some readers may think that he has limited his choice of references rather too strictly. Some of the points raised will also need elaboration and a somewhat fuller discussion than they have received here, but such defects will undoubtedly be remedied in subsequent scholarly debate, in which the book under review is sure to figure prominently.

In the present review I should like to deal very briefly with a couple of the author's contentions which appear to me to be unconvincing, or at least debatable. In chapter V, headed "Qumran Baptismal Rites and Sacred Meal", Professor Black shares the view of some scholars that the *Rule of the Community* v. 13 refers to *initiatory* baptismal rites and, holding that the congregation at the renewal of the covenant vows entered the baths with total immersion, he writes (p. 96): "It does not seem unlikely that the 'entering' or 'renewing' of the Covenant was by descending into and ascending from the baptismal waters in the large Qumran baptisteries". This does not strike me as a correct interpretation of either *IQS* v. 13 or of iii. 4 ff., the latter passage presumably being the one the author has particularly in mind. There is nothing whatever in those two contexts that suggests that they refer to baptismal rites of initiation (for one thing, 'sprinkle', as used in *IQS* iii. 9, would be an odd word by which to refer to initiatory baptism by total immersion). The Qumran community were very much concerned about levitical purity, and the rites of purification mentioned in *IQS* iii and v belong to that category: both these contexts refer to rites of ablution as practised by the members of the sect (cf., most recently, J. Gnilka, in *Revue de Qumran*, iii (1961), pp. 185 ff.).

The other point I should like to mention concerns the 'cultmeal'. As already mentioned, Professor Black draws a line of connection between

the Qumran meal and the eating of the Shewbread by the priests in the Jerusalem temple—a theory which has its origin in Philo's explanation of the communal meals of the Egyptian *Therapeutae*. But, in forcing this parallel, the author is anxious to detect, in the two well known descriptions in *IQS* and *IQSa*, a reference to a meal consisting of bread only; and he does this by pointing to the use of 'or' instead of 'and' in the allusions of both manuscripts to the constituent elements of the meal (cf. already Cullmann, in *The Scrolls and the New Testament*, p. 21, as opposed to Kuhn, *ibid.*, p. 82). However, this is putting too fine a point on a usage which is not consistently employed in either of the two contexts; it is not possible to argue on this basis that the Qumran community celebrated meals consisting of bread only; and the comparison of the Qumran meal with Philo's description of the meal of the *Therapeutae* with its ensuing miming and antiphonal singing (cf. p. 112) is not convincing in view of lack of evidence on the Qumran side ("It was a cultic action or drama, concerned with the celebration of the 'mighty acts' of deliverance of Israel by her God"). The phraseology employed here is curiously redolent of Pedersen's cult-dramatic interpretation of the Passover meal. A more detailed treatment of the problem of the origin of the Christian Eucharist, and the bearing of the Qumran material on this question, would have been desirable, especially in view of Kuhn's article on the subject in *The Scrolls and the New Testament*, pp. 65 ff., to which the author refers without, however, really coming to grips with Kuhn's hypothesis that "while the most original tradition (the Marcan form) contains no specific indication of a Passover setting, it has several features which are unexplainable by such a setting, and these very features correspond to the structure of the Essene cult meal" (*op. cit.*, p. 84). This theory is presumably what Professor Black refers to when he writes (p. 115): "It may well be . . . that this type of common sectarian meal rather than the Passover was the prototype of the Eucharist; the daily repetition of the breaking of the bread in the early Church can scarcely be traced to a paschal origin". A full discussion of this interesting problem would have been very welcome.

The theory that the Qumran community believed in one Messiah only (proposed by Professor Black in 1955 in *Studia Patristica* and repeated in the book under review) can not be upheld in view of the fact that this notion is attested both in the *Testaments of the Twelve Patriarchs* and in later Karaite theology.

There are a few misprints, e.g. the reference on p. 96 to *Exod.* xx, and 'Jacob' instead of 'Moses' on p. 157.

P. WERNBERG-MØLLER

HEINZ BECKER, *Giacomo Meyerbeer, Correspondence and Diaries*. Vol. I (-1824). Walter de Gruyter, Berlin, 1960, pp. 736.

This private material which, owing to the composer's will, was kept secret for a considerable time after his death (1864), is now published for the first time. The reasons for the stipulated period having been exceeded were latterly due to the Nazi regime. In the present exemplary edition in addition to an index and a complete list of all the theatrical

works mentioned in the book, there are at the end of the text detailed notes giving a correct German translation of the many Yiddish and Hebrew passages in the letters, mentioning the biographies of the celebrities of the time, and even entering into some details of fluctuations on the sugar market which caused considerable apprehension to Meyerbeer's father, since his fortune was based on sugar refineries. These notes recall the contemporary historical scene: Napoleon's victories and defeats, and their effects on the position of the Jews in Prussia. I have noticed one omission only; the notes fail to mention the *Hep-hep-storm* although the letter of September 14, 1819 unequivocally refers to it, and although these antisemitic riots are also mentioned in the Introduction.

The preface discusses editorial methods, while the introduction gives the story of Meyerbeer's youth and his family background. Becker takes the opportunity of expressing his own opinion on the already hotly discussed Meyerbeer Case (*Der Fall Meyerbeer*). The main part contains not only the letters and diaries written by Meyerbeer but satisfies the reader's curiosity by editing the corresponding letters written to him, all being printed in their original spelling and thus providing a valuable source for the social historian.

In reviewing the material I limit myself to two particular points—the effect that the new publication will have on the accepted picture of Meyerbeer, formed as a result of Berlioz' succinctly expressed characterisation, and the light Meyerbeer's correspondence throws on the emancipation of German Jews.

According to Berlioz, "Meyerbeer not only had the luck to be gifted, he also had the gift to be lucky". As luck was considered the highly favourable economic circumstances which assured him financial independence, as also the amazing success which, after initial difficulties, made him the idol of the operatic public in Paris, Berlin, London and many Italian cities. The considerable influence he had in the various opera houses was but a consequence of his successes.

The more intimate knowledge now at our disposal of this supposed darling of the gods, shows that in the composer's younger years—he was born in 1791, and the present volume ends with the 34th year of his life—he seldom enjoyed a contented and unworried state of mind. He was seldom gay: his mother addresses her letters to "my dear pessimist" and his father, cheerful in the midst of business worries, could not understand the melancholy of his son, who had been granted "such a lucky lot" (p. 371). To his brother Meyerbeer writes of his great effort to overcome his depression: "I can say it to you, my depression is like a burden which one has to carry though it is beyond one's powers. I feel that I am not strong enough to overcome it and so I try to bear it, but it is too much for my heart and mind. It is weighing on me more and more heavily until, finally it will smother the miserable remains of my blunted spirit". (p. 367). It seems that the reason for these fits of depression was not, as Becker assumes, Meyerbeer's 'religious outlook', by which he probably means his Jewishness, but rather the struggle to give adequate expression to an inner vision as well as the

often painful crises of artistic creation. When at times the inner flow seemed blocked Meyerbeer, whose diligence and capacity for work was astonishing, felt temporarily paralysed. His concern with music and the theatre was profound, not a matter of mere pleasure. Unlike his one-time *protégé* and later antagonist, Richard Wagner, he never published any theories on music. Nonetheless he seems to me (*pace* Becker, p. 25), to have clearly stated his attitude towards his own artistic activity. He blames a friend, in whose music "you can see the form of the structure, the shape of the skeleton beneath the flesh. And I believe it is part of the quasi-magical effect of music that at the moment of listening you should not be able to grasp how this was achieved". (p. 268). It was magical effect, then, which Meyerbeer sought. The passage is an indication that he not merely relied on his intuitions "but thinks more about his works than most of our composers", as a contemporary critic, Kindler wrote of him. These traits do not correspond with the accepted picture of a composer creating with perfect ease and concerned but to please his public.

With regard to the light thrown by the Meyerbeer material on the emancipation of German Jewry, a historical phase frequently dealt with in recent publications and especially in those of the Leo Baeck Institute, this cannot be properly assessed until the second volume appears. Let us for the present consider only the fact that Meyerbeer did not get himself baptised as did the other German Jews of the time who were prominent in artistic and intellectual circles. The Introduction, while discussing the Jewish position, omits this admittedly delicate question. We may, however, assume from the context (p. 26) that in Becker's opinion Meyerbeer did not adopt Christianity because he felt himself bound by a promise made in a letter to his mother after the death of her father in 1812. The latter had bequeathed a considerable part of his enormous fortune to the composer, on one condition: that his grandson should incorporate the grandfather's name (Meyer) into his own, and this without stipulating that his grandson should remain a Jew. The composer fulfilled the name condition, changing his original family name *Beer* to *Meyerbeer*.

Meyerbeer was therefore under no formal obligation to remain a Jew, and we may ask why did he feel bound to do so, while others of his Jewish contemporaries (Heine, Mendelssohn's parents etc.) did not hesitate 'to remove the limitation imposed by birth'? The present volume contains indications for a more thorough treatment of this question, which is in my view not an unimportant one, irrelevant though it may seem to a cosmopolitan mind.

In the Beer household reform was eagerly welcomed and there was even some inclination to copy certain ways of the Court; yet, as Becker accurately relates, a firmly Jewish atmosphere prevailed. The parents were lacking in thorough knowledge of the German culture, as can be seen from the awkward style and spelling of their writing. Notwithstanding their—largely sincere—Prussian patriotism, frequent recurrence of the word *Risches* (wickedness, i.e. antisemitism) in the letters of parents and sons alike indicates their Jewish alertness. Quite unusual

were Meyerbeer's words to his brother in the atmosphere of 1818: "Do not forget . . . the iron word 'Richesse'. Between individuals it may be forgotten for a time (though not always), but a public gathering will never forget it; for it is enough for one person to remember it to make the whole crowd conscious of their natural antipathy". (p. 368).

Like all uncensored family documents, this source naturally reveals a certain opposition between the generations: the son's criticism of the moodiness and indecision of the parents and the poor father's constant fear, as the mother writes, lest he embarrass his son ('er giniert Dich', p. 384). We are nevertheless made to feel that Meyerbeer associated himself fully, not as a matter of course but deliberately, with the environment into which he had been born. Identification with his family seems to have provided a sufficient moral support to prevent his considering either baptism or a mixed marriage, if we may judge from the sources published so far. However, only a future biography will be able to enter into all this in full detail. But we may with due reserve already assume that the Beer household kept alive some special Jewish sentiment which was lacking in the literary *salons* and in many other houses of the moneyed Jewish aristocracy (as e.g. that of Mendelssohn's parents). It would seem that even the eagerness to have a Reform Jewish service, for which Meyerbeer's father had a special Synagogue built and for which he commissioned music for choir and organ accompaniment from his son, giving detailed specification (p. 281), was a positive ingredient of this sentiment.

This comprehensive volume, with its all-pervading enthusiasm for the theatre, reads almost like a novel the continuation of which we await impatiently.

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The following papers were read in the Summer Term 1961/62 on Wednesdays at 5.15 p.m. in the Mocatta Library, University College, Gower Street, W.C.1.

30th May: C. SZMERUK (Jerusalem): השיר ההיסטורי ביידיש במאות הי"ז וי"ח

6th June: S. STEIN (London): The concept of *seyag* in early Rabbinic Literature.

13th June: S. SHAKED (Jerusalem): The problem of Iranian influence on the Qumran sect.

The following papers were read in the Autumn Term of 1962/63 on Wednesdays at 5.15 p.m.

24th October: J. L. TEICHER (Cambridge): Ancient Christian prayers in Hebrew (Dura-Europos parchment).

31st October: Ruth KESTENBERG-GLADSTEIN (Haifa): תנועת ההשכלה בפראג

7th November: H. LIEBESCHUETZ (Liverpool): Judaism and Jewry in the Social Theory of Thomas Aquinas.

14th November: J. G. WEISS (London): המסגרת הביאוגרפית לחיי רי נחמן מברסלב

21st November: M. GERTNER (London): Terms for literal meaning in Midrashic exegesis.

28th November: U. ORNAN (Jerusalem): הגיקוד הטברני ועקרונות הבלשנות

J. G. Weiss

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